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ART. I. *Fragments upon the Balance of Power in Europe.* Translated from the German of the Chevalier FRED. GENTZ. Peltier. London, 1806. pp. 335. 8vo.

THE great reputation which Mr Gentz's political writings have acquired, both on the Continent and in this country, induces us to give a full account of the present work as soon as possible after its publication. That reputation has, in our apprehension, been considerably augmented beyond the author's intrinsic merits, by the peculiar nature of the junctures in which he wrote, by the boldness with which he adopted one marked line of political opinion, and by the constancy, rather than the discretion, with which he persisted in the same unbending tone of opposition to France, at a period when all open resistance to her power was chimerical. The people of England, too, were naturally pleased to find, among the venal or timid thousands of German authors, one, not the least considerable in talents and information, who had the liberality to despise those absurd prejudices against our commercial superiority, so prevalent, for the last ten years, both among the vulgar and the statesmen of foreign countries; and as Mr Gentz, in following out his views of hostility to France, necessarily made to himself an idol of England, in his devotion to which he surpassed many of its natural votaries, the people of this country came, as a matter of course, to regard him as their regular champion on the Continent—to view him with the esteem due to a sort of fellow-countryman—and to prize him, at the same time, as a foreigner attached to their cause.

Though such additional circumstances tended considerably to increase the reputation of Mr Gentz, and especially contributed to his popularity in England, it must be admitted, that a large portion of his fame was justly earned, and that the found-

ation of the celebrity which his former writings attained, was laid in their intrinsic merits. Before starting as a political writer, he had applied himself to the pursuits of literature and science. He had qualified himself for bearing a part in the great discussions of the day, by a course of excessive labour—by studying indefatigably almost every thing that had been written on political subjects—by making himself master of those practical details which students seldom think of learning—by examining the domestic economy, of Great Britain more particularly, with an accuracy and industry which has marked the investigations of scarcely any other literary man, and which, we may safely aver, no other foreign author can boast of. After thus preparing, in retirement, for the life which he purposed to lead, he adopted, and has since strenuously pursued, the line of exertion most hostile to the progress of the French influence; and, whatever we may think of his opinions on some points, it can scarcely be denied, that his talents and learning have been meritoriously applied. The excellence of his intentions cannot be questioned; and his former writings, though certainly not always very judiciously contrived, and frequently displaying opinions either false or overstrained, produced, upon the whole, very salutary effects.

To the work now under review, we can by no means apply the same general character; nor can we encourage our readers to expect from it the same good consequences. It derives almost all its interest from the former celebrity of the author, the importance of the subject, and the necessity of exposing some of its evil doctrines. On this account, principally, we are induced to bestow some attention upon it; and we shall accordingly exhibit a sketch of its substance, with such remarks as a careful perusal has suggested. We shall begin with our abstract, interspersing it with observations on the errors into which Mr Gentz seems to have fallen; and we shall afterwards offer a few general notices of those practical doctrines which we are disposed to substitute in the place of his.

This publication, as its title indeed implies, is part of an extensive work which Mr Gentz had begun upon the mutual relations of the different European powers. Pursuing his constant aim of pointing out the dangers to which Europe has been exposed by the growth of France, and anxious to exhibit the proper remedies for a malady so fatal as that indifference to French tyranny which was growing up in the European system, it had been his intention to take a general view of the principles recognised by our ancestors, as fit to regulate the mutual connexions of the different states—to show what a 'balance of power' had been in its original purity—and to trace the progress which this

salutary principle had lately made towards a decline. The further prosecution of this plan led him to consider the relations which France bore to her neighbours—to indicate the various circumstances in her internal situation, as well as in their domestic policy, which rendered her so formidable, and to appreciate the effects of the revolution war upon the liberties of those countries which still remained nominally independent. From a proof that the balance was wholly deranged, and the ancient principles destroyed, he was led to attempt the investigation of such new principles as might be sufficient to create a barrier against French usurpation, and preserve what yet remained of the system.

A work of this nature, being one of the great *desiderata* in political science, we cannot help regretting, that a person so well qualified to execute it as Mr Gentz, should have been interrupted in his design. He would have given us a treatise replete with valuable information and ingenious argument, though, no doubt, we might have laid our account with both prejudice and declamation interfering, where they are peculiarly calculated to do mischief. But when he had made some progress in his work, and had begun to write with a view of rousing Europe from a torpor which he considered as the sleep of death, he was thrown into great consternation, by finding her completely conquered almost before he knew of her being awakened. He therefore changed his plan; and resolved, without writing any more for the present, to publish what he had written already, with very little alteration. We are persuaded that he has given us the worst part of his projected work, and that, as he proceeded, he would have found the necessity of adopting greater accuracy in the investigation of his principles, as well as of leaving off declamation and rant. But we have now only to do with the portion which he has published; and to this portion, the terms, inaccurate and declamatory, are most justly applicable. It was written in the months of September and October 1805, and is now published, with a long introduction, dated April 1806. We have stated these things in justice to Mr Gentz, before entering upon our review of his '*Fragments.*' We must add, with the same intention, our belief that the translation now before us is more than commonly deficient in fidelity. It appears to be executed by one very moderately acquainted with the different idioms of the two languages; and, besides a degree of clumsiness and obscurity which we are sure belongs not to Mr Gentz's German style, it abounds in phrases wholly foreign to the English tongue. To give only a few of many instances.—We presume '*egotism*' and '*egotists,*' which occur perpetually for '*selfishness*' and '*selfish people,*' are entirely imputable to the translator. So,

'*regents*' for '*rulers*,' in almost every page, and '*states' system*' for '*system composed of different states*,' are German, not English expressions. We know enough, too, of Mr Gentz's style, to believe that he could not speak, as the translation makes him do (in p. 142.), of 'a great change being necessary in our views, calculations, measures, and arrangements.' And, to the same cause, we ascribe such marvellous tautology as the following sentence unfolds. 'At the end of this most important, eventful, and now hopeless and desperate war, Austria stood alone, insulated and forsaken, opposed to the colossal power of a revolutionary mass, disciplined by time, experience, and victory.' (p. 146.) Although, however, these and a thousand other passages of similar merit, belong, we are certain, to the English manufacturer, yet, from the length of the sentences, and the constant superabundance of epithets attached to each substantive, we suspect that a part of the diffuseness and tautology observable in this composition must be set down to the author's own account. To himself, also, or to the haste in which his work is got up, and the heat in which his speculations are carried on, we must impute much of the inflation of the style, and the bad taste of most of the imagery. Almost every extract which we shall have occasion to make, will give some specimens of the unpleasant structure of the sentences, the heaving and plunging, and labouring of the style. But the following short extract may suffice to show of what stuff Mr Gentz's flowerets are woven. It is the conclusion of his address to 'the high-spirited and magnanimous Germans.'

'If Providence has irrevocably decreed that the evil, the iron times in which your lot is cast, shall extend beyond the limits of your days, and that the darkness shall be completed before the enlivening influence of the sun again is felt, retire within yourselves, and enjoy, through faith and hope, what the troubled realities of the present deny you. But let your enjoyment be fitting minds influenced by the most serious impressions. The grounds of consolation with which persons such as you should arm themselves against the terrors of the present, have nothing in common with those by which selfish and short-sighted weaklings endeavour for a time to escape from the feeling of misery, the sentiment of shame, till at last the miserable bolster, on which they thought to forget the loss of every thing that is great and good, and to slumber out existence, sinks into the all-devouring gulph. Yours are of a higher nature, more active, quickening, and balsamic; but they must be purchased at an incomparably higher price, and enjoyed on much harder conditions. It is not permitted for you to shut yourselves up in sloth, cowardly to withdraw from the field, to retire with cynical disgust, or monkish apathy, from the world; and to indulge in inactive and inglorious repose. You must contend as long as

you have breath with the enemy, how great soever his might, how menacing soever his violence; you must not surrender a foot breadth of the sacred territory which you are appointed to defend, without resistance, and without a struggle; you must yield to no danger, to no difficulty, nor must you give up the cause entrusted to you under any pretence or probability, not even when, to all human appearance, it seems irremediably lost. That is the law of your being; it is only thus you can insure peace with yourselves, tranquillity during the raging of the storm, and an exaltation above every fortune. It is fortunate, that what duty enjoins, your advantage requires; and that your interest is in perfect harmony with your obligations. Recollect that, in past scenes, every moment of repose proved dangerous to those who engaged in the race, and that restless redoubled endeavours to attain their object, was always the maxim of those who were familiarized with victory. In your career to stop, is to lose the prize. As soon as you stand still, your strength abandons you, the sleep of discouragement overcomes you, and the night comes and mantles you with its terrors. With the more constancy and determination you advance, the more certainly you will escape this feeling of fatigue; the more hope will fan you with its freshest breezes; the sooner you will be saluted by the purple dawn of morning. Introduction, p. li.—liv.

We are, however, quite ready to admit, that in works of real importance, style is a very secondary consideration. Criticism, which is a part of our function, requires us to notice this in passing; but we hasten to the substance of the work before us, having premised whatever remarks on its exterior seemed likely to come in our way during our more serious examination of its essential merits.

The introductory matter is, for the most part, such as might well have been spared. It consists of a long and laboured harangue against yielding to the power of France, addressed to the Germanic nations. The topics of this declamation are such, and the tone so violent, that we cannot imagine how it could be addressed to those persons who alone bear sway in foreign affairs—the political class of society—statesmen and rulers—and speculative economists. Our author adduces, for instance, a multitude of reasons to dissuade his countrymen from wishing to be conquered (p. xxv.); to prove that national ruin is a thing not to be rejoiced at (p. xxx.); to encourage the Germans to long for the reduction of French influence *(passim.)* No sober view, however, is taken of the means of resistance. No estimate is given of the time when an attack on France would be desirable; nor is any attempt made to point out a plan of operation which might unite the contending interests of the empire in this their common cause. All is general and undefined. We find nothing but page after page, to the number of fifty-four, filled with a very mid-

dling kind of declamation, which neither teaches nor proves. In truth nothing can be less adapted to the improvement of a system of practical policy than eloquence. It always exaggerates or diminishes the objects of our contemplation, and leads us blindfold over the path, so as to make us pass by the plain things which we are looking for. If, then, this introductory harangue is addressed to rulers and statesmen, it will tell them nothing intelligibly, except what they probably knew well enough before, that they ought not to wish for subjugation. If it is addressed to the multitude, it is placed, with singular want of judgment, in a large volume upon what multitudes never think about, the balance of power, and the international system of Europe. The introduction concludes with an exhortation, rather furious than zealous, to all the Germans, 'to unite hand in hand to cherish right sentiments, and to expect the coming of some perfect hero, who will spring forth as a saviour and sovereign, to wipe off the tears from all faces, and again build up Germany and Europe.' It is distinctly asserted, that such a person must necessarily arise, ere long, in a country like Germany (p. 50); and that the business of all good Germans, or, as Mr Gentz phrases it, their 'mighty calling,' is to prepare fit instruments with which he may work out their salvation. Touching this part of the subject, we cannot help remarking that some of the Germans appear rather too prone, without our author's exhortation, to wait for a saviour, like the Jews; and we are disposed to think the best advice he could give them, would be to believe in the renowned leader whom they already have been blessed with, and to give up, at length, the fatal error, the hardness of heart, which has hitherto possessed them in every crisis of their affairs, of withholding from him all their confidence, until inferior men have brought upon them such ruin as not even his genius can avert.

The first chapter is occupied with a general statement of what has usually been meant by the balance of power, and a short sketch of the system of mutual relations, established for upwards of three centuries among the different members of the European commonwealth. We have so often before had occasion to dwell upon this subject, and have so fully entered into the discussion of its fundamental principles, that we should only be repeating parts of our former statements, were we to give any abstract of this branch of Mr Gentz's work. We shall content ourselves with remarking, that he has very properly modified some of his former doctrines relating to this question, and that, instead of viewing the equality of power as the corner stone of the system, or the ultimate object of the arrangement, he most justly considers it as only desirable for the purpose of attaining the real end of the

whole scheme, the maintenance of each individual state in its independent existence and entire rights. This is the sole object of the policy in question; and, by applying themselves to its attainment, with a common consent, modern statesmen succeeded in raising that structure, which it required all the profligacy and folly of the year 1772 to shake. Even then, the principles which had slowly grown up, and were incorporated with modern society, could not be suddenly eradicated. They continued to exert a sensible influence, until new partitions and indemnities completed their destruction, which has only happened in these last and worst of times. The second chapter is composed of observations on the shock which the balance of power thus received from what our author calls the partitioning system. We are glad to find him speaking with more detestation than formerly, upon that most fatal transaction, to which all the sufferings of Europe may so fairly be traced. He distinctly states the partition of Poland as the first great blow which the modern system had received; and, after observing that this nefarious proceeding is the more to be reprobated, because it was covered over with the forms of the very law which it violated, he adopts a principle illustrated in a former article of this Journal, as leading to a refutation of some of his own doctrines, that the partition system arose unfortunately out of the balancing system itself. We cannot help regretting, however, that Mr Gentz should still interpose his great authority between the conduct of the partitioning powers, and that full weight of execration which ought to fall upon them. This is one of the feelings in which statesmen should never be afraid of indulging; and we fear Mr Gentz contributes not a little to check it by his attempts to withdraw our attention from its proper object. As this transaction, always eminently important, is now more urgently presented to our view than ever by the new development of its consequences, which every successive year brings about, we shall endeavour to correct the aberrations into which Mr Gentz is led in discussing it, partly by his fury against France, and partly by his turn for apologizing, wherever France is not concerned.

In the first place, we must object to his unnecessary phrase of 'partitioning system;' and this on every account. Why should we denominate a crime an act of plunder, or a course of such acts, by a name so little descriptive of the thing? Ancient usage, indeed, has made men talk of the slave *trade*, by which they mean repeated acts of robbery and murder, accompanied with unnecessary torture, for the purpose of gain. By this usage, too, the punishment and prevention of such horrible crimes has been in no small degree retarded; and therefore, so far from furnishing

any defence of the courtly epithet applied to the enormities committed against Poland, the example alluded to should warn us for the future to call things by their proper names, whether in the case of cabinets, or of traders.

Secondly, We more than doubt the propriety of inculcating so strenuously to the German cabinets, that this partitioning system arises naturally out of the balancing principle. A speculative writer on political subjects may be allowed to perceive some connexion between things, which nations and practical politicians should be taught to view only as diametrically opposite. In truth, the partition of Poland has just the same connexion with the balancing system, that the maraudings of a banditti have with the functions of a police-office; and to describe the partition to the courts of Vienna, St Petersburgh and Berlin, as an abuse, or a something arising out of the balancing system, is like talking to the inhabitants of Newgate concerning 'that species of police corps usually termed a gang of thieves.' As Mr Gentz is the apostle of ancient principle, and as his work is intended to work the proper reforms in the sentiments of his countrymen relative to national virtue, we counsel him to speak boldly against profligacy, whether it be committed by French or by Germans; and warn him, when he speaks of the partition of Poland, not to imitate the preacher, who was afraid of calling hell by its own name before a courtly audience.

Thirdly, Mr Gentz has no sooner taken up the subject of Poland, than he leaves it, in order to prove, what he observes he had chiefly in view when he broached it, that the enormities of 1772 are no vindication of the enormities committed since by the French in different parts of Europe. This absurd pretension set up on the part of France, was quite undeserving of notice, and might have been safely left unanswered. In an elaborate exposition of it, however, our author is not only drawn away from the expression of his indignation against the partitioning powers, and from the development of the consequences which their crimes have entailed upon the world; he must also describe the partition by certain remarks extremely apt to diminish our horror of it. 'The fate of Poland,' he says, 'is long ago decided, not only in fact, but in right. By a number of treaties of peace and conventions between the partitioning powers, and all the other European states, their old and new possessions are recognised and guaranteed: the former Polish provinces are now so completely united and incorporated with their old territories, as to make it impossible to separate the one from the other.' And in another passage, we have an enumeration of the positive advantages that have resulted to Europe from the partition, which has

rendered the enemies of France, it seems, more able to resist her new power (p. 87.) It is very true, that these remarks, and others of a similar complexion, are accompanied by certain caveats, such as a few words in a parenthesis, purporting that the rest of the passage is not meant to vindicate the transactions in question. But the best condemnation of a foul crime, is always to execrate in a plain, unqualified manner, and to leave its extenuation to those who do not wish to speak harshly of it; and, unfortunately, in a popular production, the established mode of vindicating any act, bad in itself, is exactly to say all you can in its behalf; and to add just so many parenthesis, disclaiming what is your real intention, as may render the apology effectual, by making it appear moderate. Wherefore, viewing the partition of Poland as the act by which one half of the great European powers, with the concurrence, rather than by the connivance of the rest, abandoned all public principle, and proclaimed, with a loud voice, that the safety of nations should be no more, we lament that Mr Gentz did not feel the necessity of tracing the fatal fruits of this crime, and of showing all Europe, without reserve, to what they owe their present degradation. The tone which we wish he had sustained, is exactly that of the following excellent passage. He is speaking of the indifference with which the transaction was viewed.

'Even among the enlightened and upright of the time, only a few escaped the dreadful contagion. Notwithstanding that what is purest in its nature may be profaned, and what is most wholesome may be poisoned—notwithstanding that the fatal blow which the federal constitution of Europe had received, called upon them the more loudly to unite to establish the foundations of the building on a firmer basis, and more vigorously to exert themselves in its defence, they either gave themselves up to a comfortless incredulity in the inefficacy of political maxims, or to a systematic indifference. The multitude, misled by the former, or not sufficiently warned against the latter, sunk every day deeper in the bottomless void, and became more and more accustomed to expect their law from violence, and their salvation from chance. How much this fatal habit of thinking must have contributed to facilitate crime, and spread desolation, when at last the evil days arrived when all right was trampled under foot, the ruin of all order conspired, and the whole social machine disjointed and broken, can have escaped only the inconsiderate observer.' pp. 78, 79.

After remarking that the partition of Poland, and the injury to public principle resulting from it, were but as passing clouds compared with the thick darkness which has since involved us, and intimating thereby (we apprehend very erroneously) that the crimes of the revolution war are of a description infinitely worse than those of 1772, Mr Gentz enters upon a very general view

of means by which the balance of power may be restored. We say, a very general view; for in fact he goes over the subject so lightly, touching only the *summa vestigia*, that we conceive his proposed remedies will be found altogether useless. The whole derangements of the system, he observes, have been owing to a dereliction of principle on the part of some governments, apathy on the part of others, and careless indifference among the inhabitants of the countries exposed to French invasion. Nothing can be expected to restore the situation of national independence, which these causes have lost, but a careful retracing of the steps by which we have fallen. We must therefore begin by *wishing*, one and all, with our whole might, for the success of the arms, now combined against the common enemy of Europe. From thence he makes rather a sudden transition to what should be the conduct of the combined powers, supposing them victorious. And no one can object to any of the advices which he gives them for their government in this happy predicament. They must abandon for ever all views of individual aggrandizement; they must cease to attack their defenceless neighbours; they must never forget the dangers from which they have escaped; and, keeping the fear of destruction always before their eyes, they must so order all their steps, as to guard against a return of the past evils, by taking care not to deserve them. Such are the duties of the governments themselves. But the mass of the people also have their part to play. They must rouse themselves to a sense of their danger; and every individual of the smallest influence in the state, must lend his aid to quicken and invigorate the general enthusiasm for national independence. Having thus, as it were, taken every thing his own way, our author, somewhat awkwardly, *concludes* by saying, in a single sentence, that 'above all, it should never be forgotten, that these measures of security depend upon our being able to weather the storm, and that this must be the fruits of victory in the present contest;' a position, indeed, which is unfortunately as evidently true as any of the foregoing general doctrines, and which, no doubt, greatly diminishes their importance. For Mr Gentz thus appears to us in much the same light with a physician, who, being called in during the crisis of a disorder, should prescribe prayers for the safety of his patient, advise him to follow a certain regimen after his recovery, and leave the room, with a judicious remark, that every thing, after all, would depend upon the poor man's getting over his present malady.

The next subject which occupies our author, is a comparison of the relative situations of France and the other Continental powers. He begins observing, that the right of interfering in the

affairs of any foreign state, is competent only to those who may be immediately endangered by its encroachments; and that nothing which passes in the interior of any country can, in the general case, be a cause of war to any of its neighbours. It follows, from this principle, that whatever form of regular government a people may live under, or in whatever manner their constitution may have been established, no foreign nation can have any right to refuse acknowledging it; and our author explicitly admits, that, provided a dynasty be once established, other powers have no right to inquire whether it is founded on usurpation or on justice.

To these positions, it is scarcely any exception to add, that if a nation is suddenly thrown into anarchy, the neighbouring powers are not bound to acknowledge its existence, or treat with those who for the moment may govern it. But the well-known argument in favour of the neighbouring states interfering with the internal affairs of France at the beginning of the revolution, is put by Mr Gentz in a manner peculiarly weak and unsatisfactory. He does not contend that the fear of the French revolution was the ground of interference. He does not say that the other powers attacked the French revolution because its neighbourhood threatened their existence. This position is at least intelligible; and, with certain modifications, we are disposed to admit the principle of interference on which it rests. But Mr Gentz lays down another principle. He maintains the only right of interference to be derived from such a change in the neighbouring state, as reduces it suddenly to imbecility, or renders its annihilation, as a substantive power, matter of immediate apprehension. When a nation is thus brought low, and when its very existence is in danger, the other powers are called upon to interfere; 'because the state which is a prey to general disorder, has lost all its political functions, and is incapacitated from acting as a substantive member of the league; likewise because it is uncertain when it may be able to resume a place which it is essential to the interests of the whole not to permit to remain vacant.' (p. 113.) This, we fairly admit, is to us incomprehensible doctrine. If self-defence alone gives a nation the right to interfere by force in the affairs of its neighbour, surely the weakness of this neighbour is any thing but a ground for the exercise of such a right. When one of the European powers is threatened with the dreadful fate of becoming, for ages, a prey to anarchy, which is evidently a chimerical, if at all a possible danger, but which is all that Mr Gentz can mean by annihilation, we are at a loss to see how any danger can result to its neighbours from such a risk, or such a calamity, were it actually to happen. The doctrine, that the other states must interfere, be-

cause the total loss of one power would derange the system, is altogether vague and unsatisfactory; it is a proposition founded on false metaphor, on the dynamical language employed too frequently by writers on this subject of the balance of power. The total loss of one member of the confederacy can never derange the system. What we mean by the system being deranged, is the destruction of one member by the violence of the rest. The principle stated by Mr Gentz, is exactly conceived in the language adopted by the three partitioning powers in 1772. They affirmed that Poland was the seat of anarchy; they asserted that it could hardly be said to have a substantive existence as a state; they inferred, by no legitimate reasoning, but by the same vague, theoretical mode of talking which Mr Gentz still adheres to, that the neighbourhood of such a scene of annihilation was dangerous to their own existence, therefore they concluded that it was their duty to interfere; and from this there was only a short step, easily taken by a repetition of the same vague and loose doctrines, to the final assertion, that the disease which afflicted the country was incurable; that no change of constitution was practicable; that it was a mass of disease, and must be cut in pieces by the sword:—*and, accordingly, they interfered.* And they sat down upon Poland with all their forces; they drove the people like herds of oxen, and butchered those who would not be driven; they overturned all law, and put down all constituted authorities; they plundered and murdered, until neither riches nor resistance were left: sometimes, in their mockery, they wrung formal grants from assemblies of the state, surrounded by bayonets and cannon; sometimes, in their mercy, they massacred, to the very infant at the breast, for days and for nights together; sometimes, in their blasphemy, they chanted the praises of God, because the measure of their wickedness was filled up. It is for these reasons that we will neither permit Mr Gentz to call the enormities of the French revolution unparalleled, nor to repeat, in favour of the confederates of Pilnitz, the very doctrines, in the very language by which the same confederates prefaced the first of their crimes. In our apprehension, the attempt to partition France in 1792, resembled the scheme which had begun the calamities of Europe twenty years before, in every thing but the event. Mr Gentz has himself stated the avowed ground of the interference in terms so remarkable, that we must be permitted to cite the passage.

'No opportunity must therefore be neglected of repeating, even should half a worldful of philosophers, and (should it please God) of philosophical writers, die of chagrin in consequence of it,—that it was *not* fear for the preponderance of France—for this first unfolded itself in

the course of the war—that it was not a wish to profit from France's misfortunes, but that it was compassion for the helplessness of France, the dread lest its splendour, so necessary for Europe, should be eternally eclipsed, and the purest maxims of high and genuine state policy, which dictated the war against the French revolution.' pp. 113, 114.

This is the precise language of 1772. Neither the Poles nor the French were left to themselves, lest their anarchy should continue, and lead to a kind of national suicide. Their neighbours must attack them, to save their existence, not to defend themselves; and, in consequence of this interference, had the Poles been as strong as the French, we should in all probability have seen Europe overrun from the Vistula westward, soon after 1772, instead of finding it conquered from the Rhine eastward, a few years later. But we shall be told that the original plan of the confederates of Pilnitz was to cure, and not to profit by the disorders of France. Into this question of fact, we will not now enter. For our present purpose, it is sufficient to observe, that the changes which Mr Gentz admits to have subsequently deformed and degraded the original project, are essential to the very nature of all such combinations; that there is no real difference between uniting to partition a neighbouring nation because it has become too feeble, and uniting to attack it because its internal destruction may eventually prove dangerous; that, so long as the nature of man continues the same, all combinations of the latter description will speedily degenerate into the nature of the former; and that the certainty of this constitutes precisely the evil of interfering or attacking upon Mr Gentz's principle, and abandoning the safe and wholesome doctrine so often maintained in this Journal, of strictly confining offensive leagues to those cases wherein evident danger is threatened by the overgrown power of any one state.

There is another ground of alarm, according to our author; and the principles which he applies to this case appear altogether sound. It is, when, by the progress of improvement, by the gradual development of internal resources, or by any other domestic cause, the power of one nation becomes formidable to the rest. Here, Mr Gentz observes, that interference is out of the question, and that neighbouring states have nothing more to do, but to watch very closely every change which ensues, and to observe with the more jealousy all the proceedings of their powerful rival, because her hostility would be the more dangerous. In pursuance of this view, he proceeds to examine the circumstances which render France so formidable to all other states since the revolution. These he reduces to three;—the extraordinarily absolute form of her government; its military nature; and the re-

volutionary forms which it uses in all proceedings with foreign states, where such forms may prove dangerous to the stability of their governments. In illustrating the first of these circumstances, he compares the French constitution with that of Austria, Prussia, and even Russia; giving the superiority, in point of despotism, very clearly to France. He alludes to the checks provided by hereditary rights, the wealth of great families, the influence of powerful individuals in all the countries of Europe, except France alone; and neglecting the circumstance of hereditary right in the monarch himself, and the advantages which he always contrives to derive from the influence of his grandees, when he cannot entirely crush them, Mr Gentz scruples not to maintain, that the French chief alone is uncontrouled in his tyranny, and possesses a sway more formidable to his neighbours than any other sovereign in Europe. We think that the second particular, the military character of the French government, is the only circumstance which renders its tyranny more formidable than the despotism of its neighbours; and we do not find Mr Gentz sufficiently full upon the fatal effect of this military character, in rendering France a military nation; a change by far more dangerous to the repose of Europe, than any alteration in its constitution. Respecting the use of revolutionary weapons, such as the separation of the people from their rulers in addresses to foreign nations, and the tendency to excite insurrection which these proceedings may have, we own ourselves but little disposed to agree with Mr Gentz. Not only have the enemies of France had recourse to the very same means of dividing her; but it is obvious, that such appeals to the people have now entirely lost their virtue; since the experience of the Swiss, Italians and Dutch, has proved how far a French army favours the nations whom it overruns, and since the inhabitants of France themselves have become altogether enslaved in the midst of their loud cries about liberty, and their officious attempts to make the rest of the world free.

Now, besides these partial objections to the enumeration of circumstances just now abridged, we have others of a more general nature to urge against the conduct of this comparative view. But as these will come naturally under the concluding remarks which we shall have to offer upon the whole subject of this work, we shall, at present, go on to the remaining part of the abstract in which we are engaged.

The last half of Mr Gentz's work is employed in a very copious enumeration of the encroachments made by France subsequent to the peace of Luneville, prefaced by some laboured declamation against all who were anxious for that peace. Our

author admits, however, that it was not to be avoided; and, without blaming the Austrian government for concluding it, he bewails it as the most disastrous of modern treaties, as the 'final result and lasting expression of a general disorganization.' The following passage is pointed against the general eagerness for peace which preceded the treaty in question.

'With this spiritless disposition of the courts, the complaints of the people, the dejection of the great, the decay of the sentiment of public interest, and the influence of the never-ceasing outcries of the treacherous or scrupulous apostles of peace, were all in unison. A considerable part of Germany, Italy and Switzerland, was in fact depressed in a degree scarcely supportable by the evils of the war; the most flourishing provinces of Austria grievously felt the scourge; the condition of the more opulent classes was straitened, painful and perilous; the condition of the lower classes was equally comfortless. To long for the conclusion of the war, in so distressing a situation, was what no friend to humanity could condemn, and no statesman could disapprove. But the characteristic of the time, as well in the cabinets of princes as in the opinion of the people, in every circle of society from the highest to the lowest, in every conversation and written production of the day, was, that no limits were set to this desire of peace; that peace, *on any condition*, was the universal watchword, the wish of all wishes, the ultimate object of all human efforts. In no other epoch of history has the feeling of present necessity so completely subdued the public mind, as to benumb and paralyze all power of reflection, as to confuse and falsify the judgments of every one. To investigate what might afterwards happen, to look at the most immediate consequences, merely to inquire what was the amount of the ransom, seemed then a sort of martyrdom to the minds of the nations;—they would not even know—how and where they were about to fall: and, after the negotiation was concluded, and the violent irresistible wish of so many millions was accomplished, had, in place of all other information and formalities, a board with the inscription *Peace is signed!* been carried through the towns and countries, the public would willingly have consented to be left in total and perpetual ignorance of the conditions.' pp. 148–150.

He proceeds to observe, that such a treaty, imposed on Austria by force,—extorted from her, rather than granted by her, though not the less binding on that account, should certainly be interpreted most strictly against France, the powerful party; and that any breach of its terms on her side was a much more just cause of war to Austria, than a similar infringement on the part of Austria could have been to France. He then states, and with perfect justice, that the treaty was rigorously observed by Austria, in every minute particular; and he very properly remarks, that the best proof of this may be found in the grievances assigned by France in her manifestoes. It may, indeed, safely be admitted, that Austria had given no cause of hostility, when all that her

enemy could ever find to accuse her of, was, the purchase of Lindau, the Emperor's sway over the south of Germany, and his not having resisted the British maritime code. On the other hand, Mr Gentz shows very fully, though we are disposed, after our view of the case, to think, unnecessarily, that the conduct of France, after the treaty of Luneville, was one continued act of hostility to its most important stipulations. He goes over those instances in which the violence and treachery of the French government broke through that convention; and dwells, at great length, on its interference with the affairs of the empire, its conduct in Switzerland, and the Cisalpine republic; the seizure of Piedmont—of Parma and Placentia—of Genoa and Lucca; the encroachments upon Tuscany, Naples, and the States of the Church. All these acts, whether of open violence, or of intrigue, backed by the terrors of a French army, were either in direct breach of the terms of the treaty, or in complete contravention of its spirit; for no one can, with patience, hear it asserted, that because the integrity and independence of certain states was not positively guaranteed at Luneville, therefore, one of the contracting parties had a right to seize on their territories when she thought fit. Agreeing almost in every sentence of this branch of Mr Gentz's work, we have only to regret that it is so much extended beyond the necessity of the occasion. About one hundred and fifty pages are devoted to the history of the French usurpations, which, we conceive, have never been defended even by the French government itself; for we cannot call that argument a defence of any act, which consists in an appeal to cases of real or supposed similarity, in the conduct of other powers; and France, so far as we recollect, never attempted to justify her proceedings in Italy and elsewhere, except by alleging that they were no worse than the usurpations of Russia in Persia, and of England in the East Indies. If, indeed, the whole of Mr Gentz's invectives against his countrymen, not only for want of patriotism, but for love of the enemy, be well founded, his elaborate exposition of the conduct of France, may serve some good end, provided they will read it. In this case we should, especially, recommend to their perusal the description of the conduct held towards Switzerland, as extremely well executed, and as abundantly conclusive against France. To readers in England, however, all such statements are quite superfluous. The tide here runs altogether the other way; and the sense of French injustice requires rather to be modified, and usefully directed, than stimulated, among the patriotic and warlike inhabitants of these realms.

The concluding chapter of this work, after briefly recapitulating the injuries and insults to which the two imperial courts had sub-

mitted in patience and peace, states the proximate cause of the war, now sorrowfully remembered as the fruit of the third coalition. We are not a little surprised to find, that this cause is, according to Mr Gentz, neither more nor less than the seizure of Genoa. Into the discussion of such a point, it would be superfluous to enter at present. We shall content ourselves with quoting the two following passages, as containing the substance of Mr Gentz's admissions respecting the temper of the court of Vienna previous to the affair of Genoa, and the influence of Russia, in producing a total alteration of its views.

'We have already shown the manifold occasions of discontent, and the weighty grounds of hostility with which this court had been furnished. But to provoke Austria to war was no easy task. The keenest shafts of injury had fallen blunted when pointed against the pacific spirit of the Emperor; his modest zeal for every thing that is good, and his honest and tender anxiety for the welfare and happiness of his people. Besides, the imperial court had been abandoned for several years, not merely without any prospect of assistance, but, as if it had wanted enemies, exposed to the oppression of those who alone could yield it succours; till at last, as in all similar situations, the circumstance of having suffered much became a reason for suffering more. In the last months of the year 1804, it is true, the Russian cabinet had entered into a more intimate connexion with this court, and into confidential consultations with it upon the common interest; but one must be very ill informed indeed respecting the progress and character of the intercourse then subsisting, to believe, that had the affairs of Europe remained in the situation even in which they at that time were, and in which they continued down to March 1805, any warlike resolution would have been adopted. It required a new provocation to overcome the mass of difficulties, of cares, of indisposition, of open and secret opposition, which on all sides obstructed the path to such a resolution in will, much more in execution. The constitution of Italy must once more be violently shaken; the French dominion extended by proclamation of a new kingdom, by arbitrary caprice; a despite of forms and realities, a contempt of all the relations and duties of neighbouring powers arising out of the law of nations, must be pushed to the uttermost in one great and comprehensive act of violence, finally to *drive* the court of Vienna to a resistance to which it could not have been *tempted* by any one of the preceding measures, nor by them all put together. Nay, more, after so much had been done, it still depended upon him who had kindled the flame, either to nourish or extinguish it. The aversion to actual war, the longing desire of setting any bounds to the evil by means of pacific negociation, of arriving at any tolerable result, even if it was not satisfactory, at any decent compromise with duty and honour, was every where, and particularly at Vienna, so much superior to every other feeling, and to every other propensity, that any proposition, which had a specious appearance of justice

and moderation, would have been grasped at with alacrity and joy. The union of Genoa, and the failure of the Russian mission, left Austria no alternative.' pp. 319, 320, 321.

'It was Russia, and Russia alone, which, by its example, by its encouraging language, and by its mighty preparations, gave to the counsels of the Austrian cabinet, not an unnatural direction which they would not have themselves taken, but merely a more precise character, and a degree of stability, to which, at last, all considerations gave way.' p. 333.

Viewing the English government as having created the third coalition, we nevertheless have always maintained, that Russia was the prime instrument in this fatal work. The foregoing passages must be coupled with the fact, that the Emperor Alexander actually sent a messenger of peace to France, after all the usurpations in Germany, Switzerland, Piedmont, Parma, Placentia, and the Cisalpine had been completed; and that this mission was utterly frustrated by the comparatively nugatory affair of Genoa and Lucca. When these things are viewed together, it will be extremely difficult to repeat the praises of judgment and magnanimity so often lavished on the court of St Petersburg, or to avoid lamenting that the ruin of the Continent, which Russia has been the means of England effecting, should have knit our fate inseparably with hers, subjecting to the understandings of a Russian cabinet the counsels of the most enlightened nation in Europe.

We now proceed to close this article, by suggesting a few general remarks to such of our readers as busy themselves with that branch of political science of which Mr Gentz treats, and to those who are occupied with reflecting on the foreign affairs of England during the present momentous period.

The statesmen of the Continent have, of late years, been divided altogether into two classes;—those who resolved to have war with France at all risks; and those whom no provocation could ever induce to encounter that great hazard. Between those who excessively overrated the dangers of peace, and those who, with far greater reason, but still in an extreme degree, undervalued the chance of safety to be obtained by war, there appears to have been, at least in Russia and Germany, no medium; and unhappily the former party, stimulated by the influence of England, have generally preponderated. Of this cause Mr Gentz is the chief literary champion. Its doctrines, after making the round of Europe, with the exception of two or three very feeble powers, have at last realized the very fears of universal sovereignty, upon which they were originally founded; and the Continent of Europe has been piecemeal subdued by France, in twelve years, by dint of attacking France to prevent her from con-

quering the Continent of Europe at some distant period. Such being at any rate the fact, it is not altogether unfair to suspect the soundness of the principles upon which the war party have proceeded; and to conjecture, that if ever the zealots of this faction are to assist in repairing the evil which their counsels have occasioned, it must be by revising their fundamental doctrines, or by correcting the application of them. The following remarks may assist us in estimating the kind of revision and correction which will probably be found necessary.

1. The advocates for continual war, in order to prevent ultimate danger, have uniformly neglected a consideration in itself, one should have thought, sufficiently obvious,—that their counsels led to great and certain calamities in the mean time, without in any degree answering the more remote object in view. These well-meaning and high-spirited persons altogether overlooked, probably because the topic was trite, the necessary evils of war; and whoever ventured to hint that the father of his people should pause before he took a step which must lay waste his provinces, kill many thousands of his subjects, cripple many more, and impoverish the whole of them, was looked upon as a sentimental enthusiast, or a friend of the common enemy. Now, without attempting to maintain that these constant attendants on continental wars should, upon every occasion, prevent the adoption of hostile measures, we must be permitted to think that they are sufficient reasons for preferring in every case measures of conciliation, where there is any chance of succeeding thereby; nay, for temporizing (we are not afraid to use this dreadful term), in order to put off the evil day; unless in those emergencies which render war at last inevitable, and delay dangerous; emergencies which occur much more rarely than some men have been apt to suppose. But as these principles, though scarcely ever acted upon, will probably be admitted when stated in the abstract, we must observe,

2. In the *second* place, that the certainty and extent of the evil which the war party require us to embrace, is the best possible reason for carefully reflecting, before we make our choice, whether we have a tolerably good chance of gaining the end proposed, in return for the sacrifices demanded; and we will venture to assert, that this part of the question has been uniformly neglected by all the powers who have attacked France. They began their hostility when there was some little hope; and with every thing in their favour—her lawful rulers hostile to her interests—a civil war raging through her provinces—total anarchy in many great towns—a revolution happening about once a month in the capital—a new constitution in church, state, and army—the revolt of

some generals—the old age, or destruction of the rest—scarce a soldier who had seen service, or an officer who knew any thing of his profession—her trade destroyed—her colonies gone—her credit torn up by the roots;—in spite of all these powerful aids, the allies completely failed in their attack; one of them left the league; and the rest lost some of their finest possessions. This was a lesson to the belligerent faction, but it was altogether thrown away; and the two allies having been conquered by France during her worst times, the one that now remained never thought it possible, that, by renewing the war during the better days of France, she might be utterly undone. Such we presume to have been the grand error. Austria was induced to embrace all the certain evils, and to run all the mighty hazards of a war with France, when Prussia refused to join her, and when the extent of the French force was well known. It is needless to add, that she went to war, without improving the constitution of her military, or her finances, after she had found both the one and the other unfit for service. Nor can it be necessary to enlarge on the manifold advantages which a prolongation of the truce of Leoben (since she was not wise enough to stop the war sooner) must have procured her, in the event of a future rupture with France, when Prussia might be prepared to take part in it.

3. But if the court of Berlin was resolved not to give the cause of England and Austria any chance of success, there was a new ally preparing for us in the North, never thought of by our shortsighted forefathers; but now esteemed much more than a substitute for the power bequeathed by Frederic the Great to his prudent successors. The Empress Catherine, after augmenting the resources of her dominions as much as human wisdom could do, by reigning in peace with her powerful neighbours, never quarrelling with any body but Turks and Poles, and maintaining a sort of character for great power with the rest of Europe, by cautiously avoiding every movement that might ascertain her real strength, departed from the scene of wars and coalitions, leaving her son in peaceable possession of the throne. This prince, being found much less untractable and less politic, was forthwith courted by the allies. The amount of their panegyrics upon him was, that he possessed a warm heart and a hot head; so we may fairly doubt whether he was the best of possible associates in the new war; and whether his opinion of the strength of his empire, and his views of its true interests, were as much to be trusted as his mother's, who, with all the ambition in the world to take a direct part in European affairs, and all the wish to aid the common cause, had never sent armies, nor indeed any thing but manifestoes, into Germany; and had only lent

England as many seamen as she wished to have taught in our service. But these were topics which the allies thought as little of as Paul himself. Accordingly, Russia, in an evil hour, began to move, ceased to be invincible, and lost her sway in Europe. Her influence sensibly declined at every successive event; for, after once beginning, it was part of the evil, that she must take a share in all the affairs which occurred; and we have now a right to assert, what we formerly predicted, that the effects of her first, accidental successes, have vanished before the repeated proofs of her unfitness for holding the balance of the Continent; and that as little now remains of the fear of Suwarrow, as of the influence of Catherine. We conceive, then, that the next grand error of the war party has been, the confidence which they have reposed in the assistance of Russia; both because it has made them renew their hazardous warfare against France, without the aid of Prussia, and because it has induced them to push forward into the field a power, whose assistance they might always have commanded in the cabinet—a power, whose influence was never doubted until its strength was tried. As, however, this part of the subject is at present the most important of all, we shall stop to suggest one or two considerations in support of the low estimate which we are disposed to make of Russia as a European ally. These we are compelled to run over very quickly; but it is enough to mention them.

4. There is a natural enmity between the two great powers of Germany and France. Those who once thought that Prussia had for ever deserted the Germanic cause, may now be convinced, that had Austria not been hurried on to her ruin in 1805, she might have made head against France, with the assistance of Prussia, at a future and a better time. At all events when those two powers should league against France, we might always, for reasons too obvious to mention, count upon their active and steady cooperation. It is not so with Russia. She is too far removed from the danger. She interferes too little with France. She has too few points of contact. Her natural enmity is rather with Germany, with Sweden, and with Turkey. She has more than once been found ranged on the side of France in the great European contest. It is more by accidental peculiarities of personal character in her rulers (very praiseworthy, we admit), than by the operation of any regular and steady principles, essential to her situation, that she has done for the common cause the little of which so much is said. She is naturally under no *necessity* to attack France, until Poland becomes a French province; and when that inducement arrives, obstacles will no doubt come along with it. It is manifest, that if Russia is to interfere, according

to her caprices in European affairs, and not according to the fixed law of her necessities, she may attack France this year, and Austria the next; but it is equally manifest, that she may succeed in the one case, and must fail in the other. Of these things, we are humbly of opinion, the cabinet of Vienna has been more aware than our own statesmen; and we imagine it will scarcely be doubted, that a fear of Russia hurried them on to their ruin in 1805.

But even if we were sure of the aid of Russia against France, what is the value of that cooperation? It may be worth something, if Austria and Prussia unite to begin the war, (in which case, we venture to predict, it will never be given). It is worth absolutely nothing, in the only case in which it has been afforded, when Austria or Prussia, meeting France single-handed, are destroyed before Russia can come into the field.

It will be asked, however, why this immense empire should be unable to pour forth numerous armies, with so vast a population, and so small a risk of being attacked? To this it may be answered, that she evidently cannot; because, with all the wish to do every thing, she has done nothing; and, if there is some flaw, some hidden impotency in her constitution, it is for those who count upon her assistance, to find it out; or, if they deny its existence, at least to show us why her aid has been so useless. But we shall simply allude to several causes of weakness, enough to show why the performances of Russia fall always so far short of her promises. Her armies, though exceedingly brave, are ill officered, and must be badly disciplined; so that though ten thousand Russians might beat an equal number of French, 500,000 French are sure to beat a much greater force of Russians; and, unfortunately, France will not agree to fight with small detachments. The state of the internal administration of the country; the total want of able and prudent men in the important offices under the government; the poverty of the empire; above all, deficiency of sound sense in their statesmen; the exclusion even of their talents from their councils, and the proportional influence of barbarous nobles or intriguers; all these, and other fruits of the half-civilized state of Russia, which Catharine in part rendered harmless by remaining at rest, and in part counteracted by her own genius, must be fatal to the foreign influence of the empire, under a monarch of inferior ability, who excels that great princess only in rashness. The partial successes of Suwarrow, confirm, rather than modify this statement. For, how long will an army be victorious, in which only one man can be found fit to command? While the right wing is annihilated by the Russian tactics of Korsakoff, what avails it that a European should lead on

the left to a momentary triumph? Truly, when we take these things into the account, and consider how little the same defects exist in the French system, we must limit our hopes of Russian assistance to a very humble scale. Far from thinking of triumphs over France, we shall be extremely well pleased if Russia can save herself—happy if she shall be found stronger at home than abroad—if the folly of 1805, and the phrenzy of 1806, shall not enable the conquerors of Austerlitz and Jena, as they are called, but we will only say the conquerors of Jemappe, to transfer, from St Petersburgh to Moscow, the seat of those counsels which have ruined Europe.

5. When the advocates of the war faction refused to be taught, by experience, the lesson of the strength of France, it was a natural consequence of their obstinate blindness, that having, more by good fortune than by their own merits obtained an interval of peace, they should wholly waste a period the more valuable, as they were resolved it should be of short duration, and should apply themselves to nothing but attempts at renewing the war, instead of undertaking such improvements in their domestic economy as their past losses had plainly suggested. Nothing can more evidently demonstrate the length to which this blindness had proceeded, than the abstract of Mr Gentz's comparative view of France and the allies, given above. In describing the superiority of France, he enumerates none of the circumstances to which she really owes her constant success. He altogether overlooks the grand difference between her and the powers whom she has destroyed,—the singular display of talents in every department which the revolution has occasioned. While this fatal event has placed, at the disposal of the French government, by whomsoever administered, the whole genius and acquirements of the state, that is, the whole power of thirty millions of civilized people; and while all the successive rulers have persisted in availing themselves of this mighty force, by employing, on every occasion, merits and not men:—Can we wonder that they have beaten enemies who have as uniformly persisted in the opposite line of conduct; have despised the very talents which were overwhelming them; and, far from being taught by their own defects, have only become the more perverse and infatuated after each disaster? All this Mr Gentz and his party know; and yet they tell us that France has destroyed them by '*using revolutionary forms!*' All this we know, and yet we believe at each new coalition that France will be conquered. With the fatal contrast before our eyes, of talents matched against imbecility, we gaze with a stupid wonder each time that victory is given to the strong; and we cannot imagine how the greatest mass of genius and experience which the world ever saw, should ever lower the

drill-sergeantry and the heraldry of Germany, until we find Vienna, and Dresden, and Berlin, the head-quarters of French armies. If the peace of Leoben, or even of Luneville, had been prolonged, and devoted to the strenuous cultivation of the allied resources—if, wise by experience, they had adopted such reforms as all their disasters demanded in their domestic economy—if, steadily contemplating the great engine by which France had defeated them, they had resolved to fight her another time at her own weapons, by choosing ministers and generals from their talents, and not from their quarters, or their gray hairs; then we might have had some right to indulge hopes of success, and our wonder would have been less silly had we failed.

6. The last remark which we shall at present offer upon this melancholy subject, is in some degree connected with the preceding. The general conduct of the war, it is needless to observe, was extremely injudicious on the part of the allies. But England, too, always adopted the line of operation the least calculated to assist the common cause. We allude at present to the military history of the war merely. The history of our alliances is partly anticipated, and partly too obvious, to require any further notice. * But, unhappily, our wisdom has not been much more conspicuous, even when we were acting by our individual force, and attempting to assist our allies with our fleets and armies, unfettered by their separate interests, or by the weakness of their counsels. To describe, in a single sentence, the fundamental errors in which England has so fatally persisted, it may be sufficient if we remark, that she has revived the ancient doctrine of conquering America in Germany; and has preferred defending her German allies in the West Indies. She has sent fleet after fleet, and army after army, to seize upon those distant and defenceless settlements; spending millions of money to purchase the temporary possession of an useless territory, or create a hurtful drain of her mercantile resources; † sacrificing thou-

* Mr Gentz has made a number of excellent remarks on the necessity of adhering to principles of justice and honour in all attempts to restore the balance of Europe. He has entirely overlooked the conduct of Russia in 1802 and 1803, relative to the German indemnities, the most unfortunate blow which public principle has received since the partition of Poland. We entirely agree with him in his general tenets; and therefore we think that no restoration of the balance can be expected from the efforts of cabinets, who one day publish manifestoes against usurpation, and the next are found sharing in its spoils.

† We have formerly explained, No. VIII., the manner in which West India conquests must always divert the capital of the mother country into the worst channels.

sands of men to obtain graves for thousands more. If all these expeditions, or the greater part of them, which have thus, at any particular time, been employed in seizing spice or sugar islands, had been united, at a proper season, in one army, we should have possessed a formidable means of annoying the enemy in Europe; not that, in this case, it would have been adviseable to repeat a similar error, and to send our force upon such expeditions as could only end in temporary advantages, where the enemy had little or no interest in opposing us.

It is evident that we might retake Holland,* and defend Naples,† or Portugal,‡ without materially benefiting the great cause, or ultimately saving even Holland, Naples, and Portugal themselves. For the plan of France has always been, to strike the grand blow in the right place—in the heart of her enemies; to win the great game first, and then to sweep the small States at her leisure. She cared not though England, in the mean time, should take possession of a few detached and naturally defenceless spots of the Continent, quite sure that, as soon as she overcame the main body of the enemy, she could recover those little outworks when she chose; and equally aware, that, if she was worsted in the centre, it availed her nothing to have her troops secure elsewhere. Therefore, we conceive it cannot be denied that England, after withdrawing from her colonial schemes sufficient supplies of men to form a respectable army, should have assisted the allies in Europe, either by directly joining them with this large force, or by making such a formidable diversion on one side, as could ensure their success on the other. In the former case, she must have acquired a salutary influence over their counsels, as well as their operations in the field, besides immediately contributing to their success. This was probably the best mode of carrying on her part of the combined operations. Next to it, some great and efficient diversion would have been the wisest measure; but not those paltry attacks, weak from their number and dispersion, which only tend to provoke the enemy's contempt, or to irritate a few of his peaceable subjects; which can secure no permanent advantage; which, even if successful in the mean time, will be neglected by France until she has fought the great battle, and placed herself altogether above them; which being neglected by her, and locking up our own disposeable force, are in truth diversions in her favour. Had such obvious considerations prevailed over the love of sugar islands, and our eternal activity in the line of small, secret expeditions, England would not now have been reduced to lament the decay of her influence in the counsels by which France must be opposed; or to see the Con-

* In 1799. † 1805. ‡ 1797.

tinent ruined, as was truly observed by that illustrious man, to whose prophecies we were deaf, before an English sword had been drawn in its defence.

The result of all our errors has been the present calamitous state of Europe. Nor have our misfortunes taught us wisdom. It cannot be denied that the people of this country are still blind to their real situation; that they have not given over hopes of conquering France by a continuance of the war; that they have rejoiced in the last and greatest of our calamities—the failure of our attempts to save Europe by a peace. This infatuation will continue until the public burdens press with an intolerable weight upon the higher, as well as the lower orders of the community; or until Englishmen acquire the *real* courage to look their situation in the face, and ask themselves, once for all, what is to be gained by continuing the contest. We heartily wish that the cure may be effected, not by the first, but by the last of these changes; and to contribute our humble assistance towards this salutary work, has been the object of the present tedious and unpleasant discussion. For we are satisfied that the change in question never can happen, while the people persist in flattering themseves with hopes of continental assistance, and pray for their destruction in the shape of a fifth coalition.

ART. II. *Asiatic Researches: or, Transactions of the Society instituted in Bengal, for inquiring into the History and Antiquities, the Arts, Sciences, and Literature of Asia.* Vol. VII.

WE now resume our account of this curious and interesting volume.

'*Narrative of a Route from Chunarghur to Yertnagoodum, in the Ellar'zircar. By* Captain J. T. Blunt.'

THE Journal of this officer unites all the interest imparted by travels into an unknown country, where each step affords information to the geographer, with that derived from tracing the manners of tribes in states of civilization widely different. From countries in high cultivation, we are led into tracts covered by thick forests, under whose shade the savage natives pursue the chase, and, ignorant of the arts which seem indigenous in their vicinity, limit their knowledge to transfixing with their arrows the deer and antelope, coheirs of these sylvan regions, and to the rude culture of a fertile soil. Are these people different from the Hindus in origin, in language, and religion? Are they the aborigines of India, who, retiring from the encroachments of foreign invaders, led on by Brahmans, have continued to assert

their ancient independence, protected by the insalubrious atmosphere of their mountains, and by the impenetrable forests in which they have sought and found a refuge? Such are the questions suggested by the perusal of this narrative. We know that they have been answered in the affirmative by some writers. Before we take leave of Captain Blunt, some reasons will be stated for our dissenting from their conclusions.

On the 28th of January 1795, Captain Blunt left Chunarghur, on the banks of the Ganges, with a military escort, consisting of a Jemmaddar, and thirty sepoys. The object of his journey being 'to trace a route between Berar, Orissa, and the northern Sircars,' he proceeded in a southerly direction, and crossed the river Sona, at Silpi. The whole of this march was performed through a poor and mountainous country, scantily inhabited by the Chandelas, a tribe of Rajputs. 'The hoar-frost had been so sharp as to blight the leaves on the trees, and had very much injured the crops.' After crossing the Sona, the route lay through thick woods and low hills. At the village of Amria, the remains of an aqueduct were still visible. The Gatama there rolls its pure waters over beds of blue and red slate, to join the Sona. This district is inhabited by Carwars, a race of mountaineers, whom our traveller evidently considers as distinct from Hindus, since he has inserted a specimen of their language. We have ever been strongly impressed with the little reliance to be placed on a few words collected from unknown tongues as specimens of language; and we think that the following, being extremely succinct, merits to be cited, as an example of it. The ear is extremely apt to be deceived in receiving new sounds; and it is always uncertain if the native has seized the idea of the interrogant.

'In the course of my inquiries into the state of this wild country,' says Captain Blunt, 'my attention was occasionally directed to the language of the mountaineers, which induced me to collect a small specimen of it; but as the only method I had of acquiring this was by pointing to the object of which I required the name, the following were the only words which, after much pains, I could collect.

English.	Carwars.
Food,	*Gopuckney.*
to sit down,	*gohurro.*
salt,	*minka.*
a goat,	*chargur.*
fire,	*uggundewtah.*
a tyger,	*kerona.*
a hut,	*mujjarah.*
a horse,	*chekut.*
the moon,	*chaderma.*
the sun,	*soorjundewtah.'*

Now, the abstract idea expressed by food, or all that serves for sustenance, is not very easily conveyed. *Gopuckney*, appears to us to mean, to cook or dress victuals on the earth. Is it certain that the second word presents a Carwar infinitive? *Minka*, for salt, seems a corruption of the Persian *nimac*. *Chargur*, a goat, of the Sanscrit, *Ch'hagala*. The words for fire, and the sun and moon, are the same as in Sanscrit, with the addition of the word *god* to the two first. The industry of Captain Blunt is highly commendable; and our remarks are only intended to expose the probable fallacy of any inductions from such documents furnished by travellers.

From Amria our author proceeded to Shahpur, the capital of the Rajah of Singrowla, on the banks of the Rhair, a considerable river. It is a large town, situated in a fertile plain, and the district abounds in iron ore. The route to the confines of Singrowla lay through a well-cultivated tract: Four Hindu temples, of great antiquity, and formed in the solid rock, were at no great distance. The image of Rávana with his hundred arms, and many in the temples consecrated to the Phallic rites, were now obscured by plants, and the path obstructed by shrubs.

The mountains of Corair terminated the territories of Singrowla. Their inhabitants, called Chohans, seem to us also a tribe of Hindus, as well as the Carwars. We deduce this inference from a peasant's recommending a sacrifice to Nilacanta, before scaling the eminence. The blue-necked god is a well-known epithet of Siva, who presides over mountains.

Contiguous to Corair lay Cargama, subject to Motibal, a Gond chief. 'The Gonds seeing us encamp quietly, came out to the number of fifty to gaze at us. They appeared to be a stout, well-looking people, and in every respect superior to the mountaineers of Corair.' It is much to be lamented, that Captain Blunt has not furnished us with more information concerning this singular people. The extensive region, named from them Gondwana, proves how widely their territories formerly stretched in the centre of Hindustan; their little isolated principalities are still found in parts of it, interspersed with more cultivated nations, from whom the Gonds have neither borrowed their refinement, nor their arts. These people are indisputably not considered as Hindus by Captain Blunt; for, speaking of two pilgrims plundered by these savages, he says, 'Having travelled unmolested for some time, and subsisted, in some places, on the alms of the Hindus, wherever they found them, they had at last fallen in with the huts and jungles inhabited only by the Gonds, who had plundered them, and murdered many of their companions; of whose bodies they had made offerings to their god.' But we

really can discover no proof that the Gonds are not Hindus, in this fact. The predatory Arabs who plunder the caravan of the pious Moslem journeying towards Mecca, to perform his devotions at the sacred Caba, are, like him, Arabians and Moslems; the banditti who infest the Appenines, and beset the pilgrims travelling to the shrine of our Lady of Loretto, are, nevertheless, Italians and Catholics, and even very superstitious ones. Captain Blunt has afforded us no particulars on which a decided opinion might be founded; but we think it right to neglect no circumstance that can facilitate the investigation of so curious a fact as the existence of a distinct race, whether aborigines or otherwise, in the centre of Hindustan. We will remark, then, that all the names of persons and places, which he mentions amongst the Gonds, are common Hindu names. Thus, Motibal was Rajah of Cárgama; Pratapghar, the name of the seat of the most powerful Gond chief, consists of two Sanscrit words; Bhupalpatan, the residence of the most savage of these people, signifies, in Sanscrit, 'Zemindar's town:' in all this we discover no traces of a distinct origin. Moreover, it is quite unnaccountable, that no mention of the Gonds should appear in the Puránas, if they always existed in their present situation as a distinct race; the name of Gondwana, applied to their country, is manifestly of Mohammedan origin, from the termination, as in Telingana, &c. Besides, in the centre of their territories, lies the famous resort of pilgrims, the sacred Amaracantaca, at the joint source of the Sona and the Narmada, (*vulg.* Nerbudda), which, issuing from the same fountain, pursue their courses in opposite directions, till they join the Ganges and the ocean which washes Malabar. In the Matsya Purana, we find a description of the course of the Narmada, on whose banks were a number of spots consecrated by Hindu superstition, from Amaracantaca, the most celebrated, to its confluence with the ocean. A very particular account is given of that place, and no mention made of its being situated in the midst of a savage race, from whom the pilgrims would have every thing to apprehend. If the rites of superstition may sometimes be traced to refined policy, no institution is entitled to higher praise, than the establishment of these annual rendezvous, at far distant temples, over the whole surface of Hindustan. They gave occasion, in fact, to annual fairs; spiritual advantage united with temporal profit, in determing the journey; and the pilgrims went and returned loaded with the commodities of their respective countries, but disincumbered of the moral guilt they might previously have contracted. But it is not in a land of hostile savages that policy would dictate their establishment, unless with a view to their civilization; and then the means could scarce-

ly fail of producing its end. All these circumstances lead to a suspicion that the Gonds are a Hindu nation, whose civilization has retrograded posterior to the Musulman invasion, and to the interruption that event occasioned in the regular practice of the ancient rites.

The Hutsu divides the Mahratta territory from the district of Cargama: a tribe, called Cowhirs by our author, inhabit the pergunnah of Mahtin, and were employed in celebrating the festive rites of the Huli. Retnapur, the seat of a Mahratta subadar, consists of 1000 huts; and Captain Blunt had now journeyed near 300 miles in a country generally desolate, and amidst a people generally savage. The Mahratta authority there dates from little more than half a century. Retnapur was previously an independent principality, which counted a succession of 52 princes. Its name appears to indicate, that diamonds were indigenous there, as well as in the adjacent territory of Sumbhulpur. Captain Blunt here procured some account of the 'Table land of Amaracantaca. The Sona rises on the east side of it, and flows first through Pindara, where, being joined by numerous other streams from the north-east side of this mountainous land, it proceeds, in a northerly direction, through Sohajpur and Bagelcund; whence, turning to the eastward, it pursues its course to the Ganges. After ascending the Table land, the temple is found situated nearly in the centre of it; where the Narmada rises from a small pucka cund, or well, from which, they told me, a stream perpetually flows, and glides along the surface of the high land, until, reaching the west end of it, it precipitates itself into Mundela. They described the fall as immense, and said that, at the foot of the Table land, its bed becomes a considerable expanse, where, being joined by several other streams, it assumes the form of a large river.'

Our author now journeyed through the fertile and cultivated district of Chatisgur to Raïpur, consisting of three thousand huts. The road from Cultac to Nagpur passes through Raïpur, which is consequently the centre of a considerable commerce. Seven days more, during which he travelled south, brought him to the confines of this district, washed by the Mahanadi, beyond which thick forests and high mountains marked the commencement of another tract inhabited by Gonds. The Rajah of Conkair, called Syama Singh, (a Hindu name), furnished him with guides through a country disputed by the Gonds and Mahrattas. Beyond this, he entered another fertile district ruled by the Mahrattas. Byraghar, the chief town, consists of three hundred tiled and thatched houses: it is washed by the Cauerigara, which, flowing westward, unites its waters with those of the Venwá, (*vulg.* Bauen gungá.)

A desire of tracing the shortest route, induced Captain Blunt to attempt a passage through a country inhabited by the most savage of the Gond tribes; but nocturnal attacks, and constant alarms, obliged him to return with his small party, after reaching the banks of the Indravati, a considerable river. Lal Shah, a Gond chief, informed our author that he had acted wisely in desisting from his attempt to penetrate to Bhupalpatan; 'for that the inhabitants are of a more savage nature than any others of the Gond tribes; both sexes going naked, and living entirely upon the produce of their woods: that even the people in his country, who, by communication with the Mahrattas, had become in some degree civilized, eat grain only during three months of the year, and subsist on roots and fruits during the remaining nine months.' Lal Shah was attended by five hundred Gonds, 'most of them large and well-made men. Upon comparing them with the sepoys, they appeared in nowise inferior to them in stature, but very black.' After tracing the Venwâ to its confluence with the Gadáveri, Captain Blunt entered the district of Palunsha, governed by a Telinga chief, then in rebellion against the Nizam. From hence, following the course of the Gadáveri, which separates a tract inhabited by Gonds from the civilized inhabitants of Telingana, he entered the Company's territories in the Sircar of Rájmanderi.

'*An Account of a new species of Delphinus, an Inhabitant of the Ganges.* *By* Dr Roxburgh.

In the last edition of the *Systema Naturæ* of Linnæus, Gmelin particularizes four distinct species of this genus of cetaceous fishes, distinguished by having teeth in each jaw; *viz.* the porpoise, dolphin, grampus, and belluga of the Russians. The delphinus gangeticus, of which Dr Roxburgh makes a fifth species, has sixty teeth in each jaw. As they abound in the Ganges, we lament that the Doctor has not furnished a description from a full grown individual, rather than from 'a young, little more than half grown, male, six and a half feet in length, and at the thickest part, which is nearly about, or rather behind, the pectoral fins, three in circumference: the weight one hundred and twenty pounds.'

'*Translation of one of the Inscriptions on the Pillar at Dehli, called the Lat of Firuz Shah.* *By* Henry Colebrooke, Esq. *With Introductory Remarks, by* Mr Harington.

'Among the places built by Firuz Shah,' says the author of the Heft aelim, in Mr Harington's translation, 'is a hunting place, which the populace call the Lat of Firuz Shah. It is a

house of three stories, in the centre of which has been erected a pillar of red stone, of one piece, and tapering upwards. Report says, this pillar is a monument of renown to the Rajahs, or Hindu princes, and that Firuz Shah set it up within his hunting place.' Mr Harington adds, that the height of the pillar now visible above the building is thirty-seven feet, and that its circumference, where it joins the terrace, is ten feet four inches. The building is supposed to have been used by Firuz Shah as a menagerie and an aviary. This prince died in A. D. 1388; but the date of the pillar is altogether uncertain. Five inscriptions, in unknown characters, engraved on the pillar, have been accurately transcribed from the manuscript of the late Captain Hoare. A sixth in Devanagari, and in the Sanscrit language, has already been published by Sir William Jones, from a copy made by Colonel Polier; but the date having been inaccurately copied, a new translation is now presented. The date of this inscription is ascertained to be 1220 of the Samvat æra, or A. D. 1164. The conquests of Visala Deva, son of Billa Deva, are extolled, who reigned between the mountains Himavan and Vindhya. But as such monuments are only useful in illustrating history, it is surprising that the translators have not applied it to that purpose. The unknown characters prove that the architecture is much more ancient than the time of Visala Deva: hence Mr Colebrooke appears to have committed an oversight, in supplying the word 'monument' at the commencement; since it was manifestly not the monument, but the inscription only, which belonged to Visala Deva.

'In the year 1220, on the 15th day of the bright half of the moon, Vaisakhe (this monument) of the fortunate Visala Deva, son of the fortunate Billa Deva, King of Sacambhari.'

But we find that Shehabeddin Mohamed, king of Ghaur, a country situated to the north-west of Hindustan, after conquering the Mohamedan prince who reigned in Lahore, carried his arms into India, which he harassed with repeated incursions, in most of which he was repulsed by the valour of Pithura, king of Dehli. In the eighth battle, the Rajah was taken prisoner, and, in his person, terminated the last of the Hindu dynasties, who reigned in Dehli, in the year of the Hegira 588, or A. D. 1192, The reign of Pithura was of forty-nine years, and, consequently, included the year 1164, the date of the inscription. Billa Deva was not his father, but the founder of the dynasty; and the inscription records with truth, that by his prowess the land of virtue (Aryavarta) was again what the name signified, being once more cleared from barbarians, (Mlech'ch'ha.) This inscription proves that, in the time of Pithura, (there called Visala Deva),

the Devanagari character differed much less from the Bengalese than it does at this day. The vowels, in particular, are written as in Bengal, where the modern alteration has never been adopted.

The importance of this inscription, in confirming and illustrating the records extant, relative to the history of Hindustan, at the period immediately preceding the Mohammedan conquest, induces us to translate, from Abul Fazil, the passage respecting Rajah Pithura, whom the inscription calls Visala Deva, king of Sácambhari. We have no doubt that this was his real name; for the word 'Pithura,' of the Mohammedan writers, is destitute of signification, and appears to us a corruption of Prithivi Ráj, King of the Earth, probably a title of this prince.

'In the year 429, of the era of Vicramaditya, (A. D. 373), Anangapal, of the tribe of Tanor, raised the standard of justice, and founded the city of Dehli.* In the year 848, of the same era, (A.D. 792), in the vicinity of that vast metropolis, the contest was decided between Prithiviráj (descended from Anangapal) and Billa deva, † of the Chohan tribe. The latter gained the throne by his victory. In the reign of Rajah Pithura, ‡ the Sultan Moazeddin of Ghizna made several unsuccessful incursions into Hindûstan. Seven times he renewed the attack, and was as often defeated. In the year 588 of the Hegira (1192, A. D.), § the eighth battle was fought near Thaneswara, in which the Rajah was taken prisoner. He had in his service a hundred heroes, each of whom was named Shamant, whose wonderful exploits

* Our author manifestly means, that Anangapal added a new city, called Dehli, to the ancient city of Indraprastha. That this is really his idea is proved, by his having previously mentioned Dehli as the capital of the Pándava, many centuries before Anangapal; though it was then called Indraprastha.

† This is indisputably the Billa deva mentioned in the inscription.

‡ The Visala deva, who caused the inscription to be engraved.

§ It must be observed, that Abul Fazil gives the pedigree of Rajah Pithura so incorrectly, that the length of the reigns, from the accession of Billa deva to the defeat and death of Pithura, the last of his descendants, occupy only 83 years and 7 months; though they should fill an interval of four hundred years, from A. D. 792 to 1192. The historian Mohamed Casim Ferishta appears to contradict Abul Fazil, by calling Khandiraï king of Dehli, and Pithura king of Ajamira. But this inconsistency is only apparent; for, in another passage, he names Khandiraï, Sepasillar (general) of Dehli. He was the brother and general of Prithiviráj, whose kingdom of Sácambhari included both Ajamira and Dehli, though his residence seems to have been the former. Colonel Dow has rendered the whole passage unintelligible, by calling the city of Serhind, 'Teberhind,' and placing it in Ajamira, whilst it is considerably north of Dehli.

can neither be detailed nor credited. But in this battle none of them were present. For this prince, from his amorous disposition, resigned his empire for musky tresses, and spent his days in a way unworthy of him, careless of state affairs, and heedless of military duties. The story is thus related:—Rajah Jayachandra, king of Hindustan, dispensed justice in the city of Canoj, and the other princes acknowledged his supremacy. Attracted by his generosity, a multitude of Persians and Tartars were engaged in his service. This prince proposed to perform the solemn sacrifice, called Rájasuya. In this ceremony, it was the custom for all menial offices to be performed by kings, even to washing the utensils, and kindling the fire; and the hand of a princess rewarded the most deserving. Rajah Pithura intended to repair to the festival, like the others; but it was hinted to him that the supreme dominion being now in his family, it would be improper for him to go. The flame of rivalship was thus kindled in his breast; and he absented himself. Jayachandra resolved to compel his attendance, but was deterred by the near approach of the time fixed for the ceremony: he therefore caused a golden statue of the Rajah to be sculptured, and placed it at the gate of the temple, as performing the functions of janitor. Pithura, enraged at this affront, accompanied by 500 men in disguise, went to the sacrifice, fell upon the assembly, and, after much bloodshed, carried off the effigy in triumph. But the princess, enamoured with Pithura, from the recital of his valorous exploits, refused to give her hand to the prince chosen by her father, who, indignant at her predilection for his rival, dismissed her from the palace, and secluded her in a separate mansion. Pithura no sooner heard this story, than he burnt with desire for the fair prisoner; and selecting an eminent musician, he commanded him to repair to the court of Jayachandra, as an encomiast, whilst himself, with a chosen band, followed as his attendants. By the talisman of prudence, and the witchcraft of valour, he seized the ball of desire, and bore it triumphant to his capital. The hundred Shamants, in various disguises, made head one after the other against the host of pursuers, and put them to flight. First, Govinda Raï opposed them, and multitudes of the enemy accompanied him in death. Narsingha Deva, Chandu Pandir, Sardula Sulanghi, and Balhen Deva, with his two brothers, after performing wonderful exploits, exchanged their lives for fame on the first day. The bodies of the hundred Shamants lay strewed on the route; but Pithura and his two brothers, accompanied by Chanda, brought the bride to Dehli. A fatal triumph! for the Rajah became so enamoured of her charms, that he neglected every other object. A year afterwards, Shehabeddin availed himself of this circumstance, to form an alliance with Jayachandra, and seized on various places. Pithura long remained ignorant of his danger, immured with the princess in the recesses of the palace. At length, the chiefs caused Chanda to enter the queen's apartments, and to inform him of the state of affairs. Elated with former victories, the Rajah instantly called a few troops, and marched to attack the invaders. But circumstances were now

changed; the heroic companions of his former exploits were no more; the empire was in confusion; and Javachandra, previously his ally, was leagued with the foe. Rajah Pithura was made prisoner, and carried to Ghazna. Chanda, faithful to his master, hurried thither, and being well received by the Sultan as a musician, he contrived to enter the prison; and, attracting his master's attention by his well-known sounds, proposed that he should invite the Sultan to be a spectator of his dexterity with the bow, when he might revenge his wrongs. This was resolved and executed; but the death of the Sultan was compensated by that of the Rajah and of Chanda. Such is the Hindû tradition; but the Persian writers assert that Pithura fell in battle.'

We hope the length of this passage, translated from Abulfazil, will be excused on account of the interest excited by the courage and character of the last Hindu prince who sat on the throne of Dehli. The faithful picture of Hindu manners which the narrative presents, (manners which appear to have undergone no change from the date of the Puranas, till the Mohammedan conquest), was an additional motive for its insertion.

Tournaments and religious ceremonies; princesses bestowing their hands on the cavaliers who distinguish themselves in martial exercises; others carried off by single heroes, though surrounded by opposing hosts, such are the circumstances which perpetually recur in Hindu poems; love and war, beauty and valour, unite in the same romantic adventures, and recal the times of chivalry, celebrated by the Italian muses, when

> 'Risonava Parigi di strumenti,
> Di trombe, di tamburi, et di campane
> Vedevansi corsier con paramenti,
> Con fogge nuove, peregrine et strane;
> D'oro e di gioje tanti addobbamenti,
> Che non bastano a dir li voce remane:
> Che per piacer' all' alto imperadore,
> Ognuno a suo poter si fece onore.'

'Account of the Cicus, or Lunctas. By John Macrae, Esq. *Communicated by* J. H. Harington, Esq.

The anniversary discourses of Sir William Jones supplied an important *desideratum*, by indicating and generalizing the most prominent facts discovered since the last. Such a summary by the eloquent and philosophic Cuvier, usually forms the most interesting portion of the labour of the French Institute. But for the Asiatic Society, the adoption of this plan is almost indispensable to the reputation which their labours so well deserve. To men accustomed to reflect on certain topics, a simple narrative will frequently suggest deductions little thought of by the writers: a proof of this has already been given in the dissertation on the

Singhala; the paper before us affords another. From this we consider it as certain, that the savage mountaineers who inhabit or infest the lofty barriers of the English frontiers on the east, are not sprung from the Indian stock; that they are a less civilized branch of the people, who, under the names of Burmans, Peguvians, and Siamese, occupy the countries interjacent to India and China; and that, like them, they venerate Buddha, with the rude ritual adapted to their manners and condition.

'Jupiter angusta vix totus stabat in æde,
Inque Jovis dextra fictile fulmen erat.'

A fact equally singular and unaccountable is, that though mention of the Ganges occurs in every page of the Purana, the name of the Brahmaputra, a river more remarkable both for its size and the length of its course, never once occurs; though all those poems contain a list of rivers, in which a number of very insignificant ones find a place. This river must, we imagine, be considered as the ancient boundary of Hindostan. After crossing it, the delicacy of feature, and attention to personal cleanliness, which marks the Indian figure, disappears; robust, squat persons, with harsh features, and ruder manners, mark the limits of ancient India; and the languages are as discrepant to the ear, as the forms to the sight. Previously to the reign of the Emperor Acber, the province of Chittagong never appears to have been annexed to the Indian empire. Intersected by a ridge of mountains running parallel to the direction of the bay, this district forms a striking contrast with the flat alluvial land which constitutes the remainder of the suba of Bengal. A second, and more lofty chain, marks its eastern frontiers; the Chumias, who are probably Hindus, inhabit its western skirts, and partake in some degree of the civilization of their neighbours. Beyond them, the Cucis, or Lunctas, as they are called from their nakedness, inhabit those mountains. Hunters and warriors, like all savage nations, they are divided into several tribes, and carry on constant warfare with each other, molesting the Chumias with predatory excursions. They refer their own origin to the Magas; and in this we think they are indisputably right; but whether, like us, they limit that denomination to the inhabitants of Rekbeng, is more doubtful. Their language, of which an ample specimen is exhibited, is manifestly not derived from the Sanscrit, to which it bears no analogy, and must consequently be referred to the Magas also. 'In every parah, they have a rudely framed figure of wood, of the human shape, representing Sheem Sauk; it is generally placed under a tree, and to it they offer up their prayers before they set out on any excursion or enterprise, as the deity that controuls and directs their actions and destiny. When-

ever, therefore, they return successful, whether from the chase, or the attack of an enemy, they religiously place before Sheem Sauk, all the heads of the slain, or of their game killed, as expressions of their devotion, and to record their exploits. Each warrior has his own particular pile of heads; and according to the number it consists of, his character as a hunter and warrior is established in the tribe. These piles are sacred.' In this passage, we find the proof of the Cucis being adorers of Buddha: the name he bears amongst them is Sheem Sauk; the last a corruption of his common title Sacya, and the first, probably, in their language, signifying muni, or an inspired anchoret; if it be not also a corruption of Samana; an epithet often applied to him, and which might most conveniently be translated equanimous, did our language admit of that adoption.

'*On the Sanscrit and Prácrit Languages.* By H. T. Colebrooke, Esq.

The languages of India, or at least those used by the poets, were, according to a treatise on rhetoric, cited by our author, fourfold, viz. 1. Sanscrit, or the language of the gods; 2. Prácrita, or the vulgar dialect; 3. Païsachi, or the language of demons; 4. Mágadhi. In a second enumeration from the same work, instead of the two last, are substituted Apabhransa, or jargon; and Misra, or mixed. Mr Colebrooke considers the Apabhransa, or jargon, of the second citation, as corresponding with the Mágadhi of the first. The Païsachi, or language of demons, he thinks a fantastic gibberish introduced by poets; and the Misra, or mixed language, he refers to dramatic compositions, in which gods, men and demons, are represented as conversing in different idioms. Thus, according to this intelligent writer, the number of languages really recapitulated as existing in the preceding quotations, are only three.

Notwithstanding our extreme deference for the superior attainments of Mr Colebrooke in the Sanscrit language, we venture to doubt the accuracy of his conclusion; and to contend for the actual existence, as spoken languages, of all those enumerated. There can be no doubt as to what is meant by Sanscrit and Prácrit. The Païsáchi of the first, we consider as the Apabhransa of the second citation. We conceive it to have been a foreign or distinct language, and consequently not liable to the rules of Sanscrit inflection, which is the definition he gives of Apabhransa. There existed a written character, as well as a language, called also Païsáchi, from the beings who were supposed to have used them. The Païsáchi we are disposed to consider as one of the tribes of mountaineers imperfectly civilized, who, continuing

to harass the inhabitants of the plain by nocturnal excursions, figure in the Hindu dramas as solitary demons, wandering about at night, and concealing themselves in hollow trees and impervious forests. The fourth language mentioned in each series, is the Mágadhi and the Misra; and we have already stated Mr Colebrooke's opinion concerning them. We think that the Mágadhi is the Pali language, or that used by the priests of Buddha. We believe that all scepticism on this point will be removed, if it be recollected, 1. That Mágadha is the ancient name of the province of Behar, in which Buddha was born, who consequently spoke Mágadhi: 2 That in the island of Ceylon, the Páli tongue, in which their sacred books are composed, is called Mágadhi at this day. That it is with great propriety called a mixed dialect (Misra), is also certain, since a great proportion of the Páli words cited by different writers are Sanscrit. It appears to us also, that our explanation is more consentaneous with the expressions of the Hindu writer quoted; who, after stating the existence of four languages, fell into a manifest absurdity by including one in each series which had no existence. Moreover, in our explanation, the third and fourth of each series correspond, as might naturally have been expected; an advantage which Mr Colebrooke loses in his method of considering them.

Our author then proceeds to furnish a learned and able enumeration of the most celebrated works composed for the elucidation of Sanscrit grammar, from the earliest periods, down to the seventeenth century. The most famous of all these grammars, though too abstruse and difficult for general use, was composed by Pánini, who lived before the composition of the Puránás. But even this ancient monument of literary refinement abounds in references to the works of still more ancient grammarians—'Sácalya, Gárgya, Cásyapa, Gálava, Sácatáyana, and others.' A similar list of Sanscrit vocabularies succeeds. None of these are of great antiquity; and the philologers cited in them are now only known by name, their works having perished through time. Before we quit the subject, we will remark, that Mr Colebrooke states it as his opinion, that the Sanscrit language 'evidently draws its origin (and some steps of its progress may even now be traced) from a primeval tongue, which was gradually refined in various climates, and became Sanscrit in India, Pahlavi in Persia, and Greek on the shores of the Mediterranean.'

The interesting proposition contained in the above citation is, we think, more correctly announced by Sir William Jones in his Dissertation on the Origin and Families of Nations. That eminent scholar states it as capable of incontestible proof, 'that the

first race of Persians and Indians, to whom we may add the Romans and Greeks, the Goths, and the old Egyptians or Ethiops, originally spoke the same language, and professed the same popular faith.' Our objection to the statement of Mr Colebrooke is, that we are firmly persuaded, that, of the three successive languages spoken at different epochs in Persia, the Páhlavi is that which bears the least analogy to the Sanscrit. A reference to the vocabulary of the virtuous and learned Anquetil du Perron, will prove that the Zend bore a much stronger affinity to it than the Pahlavi; and even the Deri appears to us to have a closer resemblance.

In this curious and instructive memoir, our author next proceeds to consider the second class of Indian languages, or the Prácrit, 'which comprehends the written dialects now used in the intercourse of civil life, and cultivated by learned men.'— 'There is reason to believe,' adds Mr Colebrooke, 'that ten polished dialects formerly prevailed in as many different civilized nations, who occupied all the fertile provinces of Hindûstan and the Dekhyn. Evident traces of them still exist. They shall be noticed in the order in which these Hindu nations are usually enumerated. Our limits will not permit of our inserting this interesting enumeration; but our readers will be pleased to see a succinct abstract.

1. The Saraswata, a nation called from the river on the banks of which they lived. It flows through the Penjab; and their dialect is more peculiarly distinguished by the appellation of Prácrit; though it have long ceased to exist, with the people who spoke it.
2. The Cányacubjas, whose metropolis was the proud city of Canoje. Their prácrit, or vernacular tongue, was, in Mr Colebrooke's opinion, the language now called Hindi, which, by an admixture of Persic and Arabic nouns, is become the Hindustani, or Moors. The two languages above mentioned are written in the Devanágari character, like the Sanscrit; all those which follow have a character peculiar to themselves.
3. Gaurá, or the Bengal nation, of whom Gaur was the capital. Their prácrit is almost exclusively spoken by learned natives in that province, at this day.
4. Maïthilá, the inhabitants of Tirhut, bounded by the Cusi, the Gandhac, and the Nepal mountains. Their dialect differs slightly from that of Bengal.
5. Utcala, is the province of Orissa; its dialect and character called Uriya.
6. Drávira, is the country which terminates the peninsula of

India, and extends to between the twelfth and thirteenth degree of north latitude. Its language is called Támla; and Mr Colebrooke ingeniously deduces its etymology from the celebrated river Támraparni, which washes the southern Máthura.

7. The Maháráshtra, or Mahratta. 'Like other Indian tongues, it contains much pure Sanscrit, and more corruptions of that language, intermixed with words borrowed from Persian and Arabic, and with others derived from an unknown source.'
8. Carnáta, or Carnára, 'the ancient language of Carnátaca, a province which has given name to districts on both coasts of the peninsula.' It stills prevails in the intermediate mountainous tract.
9. Telinga. The province named Telingana in our maps, but which formerly included the adjacent provinces on either bank of the Crisna and Gadaveri, and those situated on the north-eastern coasts of the peninsula. Since Mr Colebrooke has retained with great propriety the ancient names of the other divisions, we are at a loss to imagine why he has not done it in this instance, but substituted 'Telinga,' the modern corruption for Calanga.
10. Gurjara, the province of Guzerat, of which the Pracrit slightly varies from the Hindi.

Mr Colebrooke proceeds to treat of what he considers as the third class of Indian languages, 'denominated Mágadhi and Apabhransa, in the passages quoted at the beginning of this essay.' We have proposed our doubts of his accuracy in considering those terms as correlative, and stated our own opinion, with the proofs on which it rests. We are strongly confirmed in the truth of our deductions, from finding that, 'under these names, he comprehends all those dialects which, together with the Pracrits above noticed, are generally known by the common appellation of Bhasha, or speech.' Accordingly, our author furnishes the provincial dialects of the Penjab and of Mathura, as examples of this class. But we are sure that Mr Colebrooke will not contend that these dialects were ever termed Mágadhi, *i. e.* belonging to the province of Behar; and we consider the beautiful pastoral languages which he cites, as proving only, that his enumeration of Prácrits is incomplete. We have been more diffuse in treating this subject, because even the errors of so distinguished an Orientalist as Mr Colebrooke, deserve consideration. But we are far from asserting that his view of the subject is erroneous; and will conclude with a succinct exposition of our own, that our readers may distinctly perceive the points on which we differ.

We conceive that the two passages cited by our author are designed as a classification of the languages known in India anterior to the Mohammedan invasion, and that the denominations in the two series are correlative, or that the third and fourth of each are different terms for the same languages. We shall then have,

1. Sanscrit; or the elegant and refined language of books.
2. Prácrit; comprehending all the vernacular tongues enumerated by Mr Colebrooke, and others which he has omitted, as the Penjabi, and Vrija Bhasha.
3. Païsachi, or Apabhránsa; which we consider as a language totally distinct from the Sanscrit in its origin, and conjecture to have been that of the mountaineers, by some writers regarded as the aborigines of that country. That the demons introduced by poets in their dramatic compositions, should mix some Sanscrit words in their jargon, might be expected, since the sense would otherwise be unintelligible to the audience. It is even possible that their speeches may be intended to ridicule the awkward attempts of those people to speak Sanscrit, as in many passages of Shakespeare, where the interlocutors are French; and not genuine specimens of their own language, as in the Pœnulus of Plautus.
4. Mágadhi, or Misra. This we imagine to be the language called both Páli and Magadhi on the island of Ceylon, and used by the priests of Buddha. Its admixture of Sanscrit entitles it to the appellation of Misra, or mixed, and it originated in Magadha, or Behar.

On the Religious Ceremonies of the Hindus, and of the Brahmans especially. By H. T. Colebrooke, Esq. Essay II.

A former essay on this subject described the daily ablutions performed with prayers and acts of religion by every Brahman. 'In the present,' says Mr Colebrooke, 'I shall restrict myself to explain the oblations to fire, and then proceed to describe funeral rites and commemorative obsequies, together with the daily offerings of food and water to the manes of ancestors.'

Oblations to fire are presented in all ceremonies where fire is used, and commences the rites. The ground is consecrated, by the sacrificing priest, for its reception: the fire itself is hallowed, by exorcising its carnivorous portion, when the remainder is supposed innoxious, and fitted to waft the offerings of men to the gods. With the rites suited to the object of the sacrifice, the oblations, consisting of clarified butter, are poured on the flame, the priest saying, 'Earth! be this oblation efficacious. Sky!

be this oblation efficacious. Heaven! be this oblation efficacious.'

A dying man, when no hopes of his surviving remain, should be laid on a bed of cusa grass in the open air, his head sprinkled with water drawn from the Ganges, and smeared with clay brought from the same river. A salagrama stone should be placed near him, holy strains from the Veda chanted aloud, and leaves of holy basil scattered over his head.

When he expires, the corpse must be washed, perfumed, and decked with wreaths of flowers; it is then carried by the nearest relations to some spot in the forest, or near water. The funeral pile is lighted from the consecrated fire maintained by the deceased. The nearest relation applies the flaming brand to the pile hung round with flowers, and the attending priests recite the appropriate invocations. 'Fire! thou wert lighted by him. May he therefore be reproduced from thee, that he may attain the region of celestial bliss! May this offering be auspicious!' All who followed the corpse walk round the pile, but may not view the fire. They then proceed to the river; and, after bathing, present oblations of water from the joined palms of their hands to the manes of the deceased, saying, 'May this oblation reach thee!' Elegiac verses are then recited.

'1. Foolish is he who seeks for permanence in the human state: insolid like the stem of the plaintain tree; transient like the foam of the sea.

'2. When a body, formed of five elements to receive the reward of deeds done in its former person, reverts to its five original principles, what room is there for regret!

'3. The earth is perishable; the ocean, the gods themselves pass away. How should not mortal man meet destruction?

'4. All that is low must finally perish; all that is elevated must ultimately fall; all compound bodies must end in dissolution; and life be concluded with death.'

During ten days, funeral cakes, together with libations of water and tila, must be offered as on the first. On the last day, the nearest kinsman of the deceased gathers his ashes, after offering a sráddha singly for him. This rite consists in offerings of rice, clarified butter, water and condiments. Then, proceeding to the spot where the pile stood, after adoring the divinities who preside over cemeteries, he deposits the bones of the deceased in a casket composed of the leaves of the Butea frondosa, and inters them in a profound excavation. 'To cover the spot where the funeral pile stood, a tree should be planted, or a mound of masonry be raised, or a pond be dug, or a standard be erected.' After some time, the casket is again dug up, and committed to the Ganges. The second series of obsequies, commencing on

the day after the period of mourning has elapsed, is opened by a lustration, termed the consolatory ceremony. Mr Colebrooke proceeds to describe the ceremony performed in honour of progenitors in general; and at which three funeral cakes are offered to three paternal ancestors, as many to three maternal forefathers, and two to the Viswédwas or assembled gods. These cakes, or more properly balls, with a little oil, barley, flowers, rice and water, constitute the offerings presented at each repetition of this rite, named Sráddha.

'*Parva petunt manes.*'

On the Religious Ceremonies of the Hindus, and of the Brahmans especially. By H. T. Colebrooke, Esq. Essay III.

This essay consists of a description of the manner in which the duties of hospitality are exercised, which our author styles 'one of the five great sacraments which constitute the daily duty of a Hindu.' It is followed by a detail of marriage rites; these, though curious and interesting, will not admit of abridgement.

That so accomplished a scholar as Mr Colebrooke should confine himself so exclusively to the description of living manners, seldom deviating into the obscure but alluring labyrinths of antiquity, and avoiding the numerous analogies which must have obtruded themselves on his imagination, with the classic allusions which would have embellished his pages, will, in the opinion of many, stamp additional value on his lucubrations. Others will probably conceive the tedious ritual of superstition curious, in proportion only as it furnishes deductions of a more general nature; and will lament that Mr Colebrooke has limited his researches so strictly to the subject he professes to treat. But even these will admit, that he has supplied a copious detail of facts, on which all just inferences must be founded. To the candour of Mr Colebrooke, in retracting the incidental mistakes he had fallen into in former essays, we cannot assign too much praise. We must, however, enter our protest against another practice, into which he appears to have been inadvertently led, and which, in the present state of imperfect information on the subject of Indian history, may be productive of infinite confusion and perplexity. It is the incidental mention, in notes, of important and sometimes singular opinions, unsupported by evidence, and leading to no discussion. Erroneous ideas once disseminated are not easily extirpated; and the interests of truth and science are better consulted by weighing probabilities, where positive evidence cannot be procured, than in circulating unexamined possibilities. Our respect for the abilities of Mr Colebrooke compels us to justify our animadversion.

'Amera Sinha was an eminent poet, and one of the nine gems (for so these poets were called), who were the ornament of Vicramaditya's court. Unfortunately, he held the tenets of a heterodox sect; and his poems are said to have perished in the persecutions fomented by intolerant philosophers, against the persons and writings of both Jainas and Bauddhas.'

Now, are those sects different in Mr Colebrooke's opinion? The fact is important; and, *prima facie*, one would imagine, that our author had satisfied himself that the votaries of Jina were distinct from the sectaries of Buddha. Yet, at the conclusion of this note we find, 'Bhanuji Dixita denies that there is any evidence to prove that the author of the Amera cosha belonged to the sect of Jaïnas.' Now, the inscription at Buddha, Gayá demonstrates that he was a Bauddha, and the matter is left involved in some perplexity. We resume our citation.

'The persecution instigated by Sancara and Udayan Acharya were enforced, perhaps from political motives, by princes of the Vaïshnava and Saïva sects, who compelled the Bauddha monarchs to retire from Hindustan, and to content themselves with their dominions of Lásata and Bhota.'

Mr Colebrooke thinks this expulsion posterior to the reign of the Bauddha princes, mentioned on the monuments found at Monghir and Buddal. Were this certain, we should determine the epoch when Sancara áchárya flourished to be in the first century of the Christian era. But such a conclusion would be precipitate. The mere circumstance of his persecuting the Bauddhá, a sect always at variance with the followers of the Veda, supplies no indication of the period. Do we know that the Bauddha monarchs were at all expelled from Hindustan? May they not, as in Casmira, (See No. I. of our Journal), have reverted to the doctrine of the Vedás, without conquest, and without expulsion? In another note, Mr Colebrooke states, that the above philosopher, Sancara áchárya, established the sect of Saïvas, who worship Siva; whilst Mádhava áchárya, 'in like manner, established the sect of Vaïsnavas, who adore Visnu as God.' All this must consequently have happened about the time of the Roman Emperor Augustus; and the two newly established sectaries have immediately united to expel the Bauddhá. We confess, this appears to us improbable; particularly, as the Vaïsnava and Saïva are frequently mentioned in the Puránás; and the style of these works unquestionably proves them to have been anterior to Vicramáditya.

In the last mentioned note, we find the following remarkable passage. 'Vopadeva, the real author of the Sri Bhágavata, has endeavoured to reconcile all the sects of Hindus, by reviving the doctrines of Vyása. Mr Colebrooke, consequently, styles the

Bhágavata, a modern Purána. We should have considered the proofs of this assertion as infinitely the most curious portion of these dissertations. The style and contents of the Bhágavat had convinced us that it was more modern than the rest of the Purána; but that it was composed so very recently, we certainly shall require strong proofs to credit. But who was Vopadeva? Is he the same with the author of the popular grammar called Mugdha bodha, grounded, according to Mr Colebrooke, on the plan of the Caumudis, of which the most esteemed was composed, 'within a few centuries past,' by Rámachandra? To conclude, we lament that this learned and ingenious writer has hazarded these assertions unaccompanied by some sort of proof. The only error in which we perceive Mr Colebrooke to have fallen is, in calling 'Swadhá' the food of the manes. Swadhá is a goddess, whose adventures are very poetically narrated in the Brahma vaïvartica purána, originally a nymph of Goloca, the paradise of Visnu. Her celestial charms excited the jealousy of Rádhá, who perfectly represents the Grecian Juno in her caprices, her jealousy, and her fury. Hurled by the goddess from the empyrean, Visnu, to console her under her banishment, gave her in marriage to the Dii Manes. She is the goddess of funeral obsequies, conveying to the manes the offerings of men, and rewarding the latter for their piety to ancestors.

An Account of a Method for extending a Geographical Survey across the Peninsula of India. By Brigade Major Lambton.

This officer having been appointed by the Madras government to effect the object mentioned in the title, gives, in this paper, an account of his instruments, and of the commencement of his operations, by measuring a base line near Bangalor, commencing in lat. 12° 54′ 64″ north, and extending 7.4321 miles north-easterly, making an angle with the meridian 0° 57′ 7″.

On the Origin and peculiar Tenets of certain Mohamedan Sects. By H. T. Colebrooke, Esq.

Of these sects, the Bohrahs are now the most numerous. This tribe, found principally in populous cities, is entirely addicted to commerce, and are highly esteemed for industry and sobriety. Their tenets do not appear to differ from those of other Shiahs, and, like them, they are considered heretics by the Indian Moslems.

The Sadicas hold some tenets in common with the famous Ismaelites, whose chief was in former days renowned in Europe, under the appellation of Prester John, and the Old Man of the Mountain. But, from the account here cited, we cannot discover

whether the Sadicas be still an existent tribe, or how far they conform with the opinions of the exploded sectaries.

The only people here mentioned, whose tenets deserve to be particularized, are the Ali-Allahiyas. They appear to have blended the doctrine of the Shiahs with the Hindu superstitions. They believe in the metempsychosis; they hold that the divinity has often assumed a corporeal form. The principal of these incarnations was in the person of Ali, whom they consequently worship. This sect is stated by Mr Colebrooke to be numerous at the present time.

A Summary Account of the Life and Writings of Avyar, a Tamul Female Philosopher. By the Reverend Dr John.

Avyar, whom Dr John terms a celebrated philosopher, was the author of four little books in the Tamul language, which are used in teaching children to read in that country. The maxims are well adapted to the age and purpose; for nothing can be imagined more jejune and puerile. Dr John has translated an account of her parents, from a work entitled the Kandapranam, and determines the age in which she lived to be the 9th century of the Christian era. We think this probable from one of her observations, 'The present Tamul language does not equal the old;' for, at that time, the language had undergone a considerable change by the arrival of numerous Mohamedan colonists. But we read with infinite surprise, in a note of the Secretary, that the work whence the story of Avyar was extracted, was probably the Scanda puráná. It is scarcely credible, that after Sir William Jones had proved the Puráná to be greatly anterior to the Christian era, from a critical comparison with the works indisputably composed in the century preceding that epoch, the Secretary to the Asiatic Society, on no better foundation than a slight resemblance of name, should assert that one was written in the 9th century. But the whole paper seems to us entirely unworthy of a place in the memoirs of the Society.

Account of the St Thomé Christians, on the Coast of Malabar. By F. Wredé, Esq.

When the Portuguese first opened the navigation of India, the Christians of St Thomas had been seated for ages on the coast of Malabar; and the difference of their character and colour attested the mixture of a foreign race. Their religion would have rendered them the firmest and most cordial allies of the Portuguese; but the inquisitors soon discerned in them the unpardonable guilt of Nestorian heresy and schism.

With respect to their origin, there exists much difference of opinion. The Portuguese assert, that St Thomas, the apostle, preached the gospel in India, and that these are the descendants of his proselytes, whose faith had been subsequently perverted by the unwary admission of Nestorian bishops from Mosol in Syria.

Mr Wredé observes, that Mar, or St Thomé, is considered by the Nestorians as the first who introduced the Christian religion into Malabar, and as their first bishop and founder, from whom they derive the name of St Thomé Christians. 'His arrival may be placed towards the middle of the 5th century; since notice is taken by Cosmas Indico-pleustes, of Christians in the Pepper country, or Malé, who received their bishops from Persia, where the Nestorian patriarch of that time resided, who had first his seat in Seleucia in Persia, afterwards at Babylon, and, lastly, at Mosul.'

'In the Malabar histories (Keralutpatti), the first mention of a Syrian colony of Christians is made in the reign of Cacurangana Paramal, who probably lived in the sixth century; a wealthy Syrian merchant, of the name of Thomé Cannaneo, is said to have landed at Cranganor, where he was well received, and induced to settle, by great privileges granted to him by Perumal.'

Now to us it seems extremely probable that the Thomé of the Keralutpatti, is the identic Thomé of the Nestorian tradition; and it were to be wished that our author had given some authority for his fixing the arrival of the first mentioned in the 6th century, in contradiction to so plausible an inference.

'If one adds to these historical dates,' says Mr Wredé, 'the name of Syrians retained by the St Thomé Christians, their distinct features and complexion somewhat fairer than the rest of the Malabars, the style of their building, especially their churches, but, above all, the general use of the Syrian, or rather Chaldean language, which is preserved to this day in all their religious functions, even in those churches which have since embraced the Roman rites, and that to this day they take their Christian and family names from the Syrian and Chaldean idiom, no doubt can remain but that the St Thomé Christians are originally a colony of Nestorians, who fled from the dominions of the Greek emperors, after Theodosius the Second had commenced to persecute the followers of the sect.'

On the above passage, the Secretary to the Society has the following note.

'Nestorius was patriarch of Constantinople, A. D. 428, under the reign of Theodosius the Second. His heretical opinions were first declared in 429, and condemned by the first council of Ephesus in 431. But the Emperor was not prevailed on to banish Nestorius till 435; and four years more had elapsed before sentence of proscription passed against his followers. Gibbon, however, asserts, on the authority

of St Jerome himself, that the Indian missionary St Thomas was famous as early as his time. Now Jerome died in 420; consequently the sect established in Malabar by Thomas could not have been that of Nestorius. Yet Gibbon himself appears to have overlooked this inconsistency.'

It is a pleasing circumstance for an unpractised writer to be able, for his *coup d'essai*, to correct a historian of such eminence as Mr Gibbon; but, in that case, he ought to be very sure of being right. We have searched in vain for any passage in which that historian asserts that the Nestorian heresy was preached by St Thomas; he only affirms that, ten centuries later, the Portuguese found the Malabar Christians infected with that schism. We admit, however, that although no inconsistency attaches to Mr Gibbon, the observation of the Secretary is fatal to the hypotheses of Mr Wredé; for, since St Thomas had already converted the Indians in the time of St Jerome, it follows, that he did not arrive subsequently to the persecution of Theodosius the Second. To us the traditions cited suggest a plausible and rational induction;—that the St Thomas mentioned by St Jerome is the same with the Thomé of the Indian proselytes, and of the Keralutpatti; that he came from Syria, and preached Christianity in India before the time of Nestorius; that the Christians continued to receive their bishops from Syria; and when the Nestorian heresy was become prevalent in that country, it found its way into India by means of these bishops. By force and argument the Portuguese, during the period of their sway, had brought over most of the Nestorians to the Roman rites; Mr Wredé counts still thirty-two churches who adhere to the doctrines of Nestorius; and contrasts the misery of the present race with the opulence of their ancestors. This gentleman intimates an intention of translating the history of Malabar, called Keralutpatti. We should have greatly approved of this resolution, had he not, as a specimen, furnished us with two erroneous translations of the title. For Keralutpatti neither signifies 'the commonwealth,' nor 'the description of Malabar;' but, as Mr Duncan has very properly translated it (in the Asiatic Researches, vol. V.), 'the emersion of the country of Keral,' which is supposed to have been gained from the sea.

'*Account of an hereditary living Deity, to whom devotion is paid by the Brahmans of Puna and its neighbourhood. By* Captain Edward Moore.'

'Mridá Ba Goswami was a Brahman of Puna, who, by abstinence, mortification, and prayer, merited, above others, the favourable regards of the Almighty. Ganapati, the most common name in this country,

among the many hundreds of Ganesa, accordingly vouchsafed to appear to him at Chinchur, in a vision by night; desired him to arise, and bathe; and, while in the act of ablution, to seize, and hold sacred to the godhead, the first tangible substance that his hand encountered. The god covenanted, that a portion of his holy spirit should pervade the person thus favoured, and be continued as far as the seventh generation, to his seed, who were to become successively hereditary guardians of this sacred substance, which proved to be a stone, in which the god was to be understood as mystically typified. This type is duly reverenced, is carefully preserved, and hath ever been the constant companion of the sanctified person inheriting with it the divine patrimony. This annunciation happened about the year A. D. 1640; and six generations have since passed away.'

Half a century later than the apparition of the Indian Janus to the Goswami of Puna, the inhabitants of the most enlightened capital of Europe assembled to witness and to venerate the pretended miracles performed at the tomb of the Abbé Paris. An edict of the government put a stop to the assemblies; but the superstition survived some time longer. It was on that occasion the celebrated epigram was composed.

'De par le roi: defense à Dieu
De plus paroître dans ce lieu.'

But the sovereign of the Mahrattas is the dupe or the accomplice of the Indian impostor. It is possible that the predictions of the living deity, in unison with the politics of the Peshwa's cabinet, may be a convenient instrument in the hands of a statesman: possibly that prince is credulous enough to believe in the divine character of the Brahman. It were superfluous to state, that the legend has no more connexion with the Hindu religion, than the miracle of St Januarius, or those of our Lady of Loretto with the Christian faith. A religious mendicant from Varanes, who accompanied our traveller to the abode of this pretended divinity, treated the whole affair with derision.

On the Religion and Manners of the People of Ceylon. By Mr Joinville.

THE cession of Ceylon to the English will not be productive of cinnamon alone to this nation. A stock of information, abundant, if not valuable, will hereafter form a part of our imports from that island. But it is easier to strip trees of their bark, than to attain the fruits of knowledge; and whilst the obdurate shell of two difficult languages must be overcome before we can penetrate to the kernel, it is reasonable to conclude, that some time will still elapse before the history of the isle shall receive a satisfactory elucidation.

We would earnestly recommend to such of our countrymen as have leisure for such researches, to attend first to the natural

history, the population, the commerce, the civil and military institutions of the country; in short, every thing comprised in its actual situation. But, if these barriers be too confined for the activity of their exertions, and researches into antiquities furnish a more alluring field, we shall then entreat them to begin with the study of the Páli, or at least of the Singhalese language. The miserable errors of all the disquisitions composed by learned Europeans on the subject of Hindu antiquities, before the Sanscrit language was studied, holds out a salutary admonition to our countrymen in Ceylon, and should prevent them from publishing what, a few years later, will be recognised as errors, or neglected as futile.

Mr Joinville is a writer of considerable information and talent. The subjects of which he has treated are too multifarious to admit of an abstract. They may be classed under three heads: 1. Present customs, of which he has recorded several interesting particulars: 2. The religion of Buddha; and the perusal of what he has written on the subject, entirely confirms us in the observations we stated on Captain Mahony's memoir: 3. The cosmogony of the Singhalese. We have already observed, that the Bauddhá have borrowed their cosmogony from the Puránas. The Bhuvana cosha is the prototype whence the delineations given by M. Pallas, as collected from the Mongols,—those exhibited by Dr Buchanan as described by the Burmans,—and, lastly, this of Mr Joinville, from the Singhalese, are formed. Some of the proper names are more or less corrupted from the Sanscrit, and many not at all. We remark, indeed, that the Singhalese have preserved the original terms, as might be expected from their proximity, with much greater fidelity than the Tartars or Burmans: 4. Mr Joinville has taken considerable pains to prove that the religion of Buddha was anterior to the doctrine of the Vedás; and his opinions are undoubtedly entitled to consideration.

'I am rather of opinion, upon a comparison of the two religions, that that of Buddha is the more ancient, for the following reasons. The religion of Buddha having extended itself, in very remote times, through every part of India, was in many respects monstrous and unformed. An uncreated world and mortal souls, are ideas to be held only in an infant state of society; and, as society advances, such ideas must vanish. *A fortiori*, they cannot be established in opposition to a religion already prevailing in a country, the fundamental articles of which are, the creation of the world, and the immortality of the soul. Ideas in opposition to all religion, cannot gain ground, at least cannot make head, when there is already an established faith; whence it is fair to infer, that if Buddhism could not have established itself among the Bráhmans, and if it has been established in their country, that it must be the more ancient of the two.'

But the dogmata of Democritus and of Epicurus were exactly those stated; an uncreated world and mortal souls. Yet Mr Joinville does not regard them, we suppose, as the most ancient of philosophers. In the time of Cicero, when most of the Roman nobility adopted the doctrines of Epicurus, it was not surely because a creation and immortality had never been heard of before. We wish our author had stated whether the Singhalese themselves contend that their system is more ancient than the Brahmanic. To us it appears, that by placing the present Buddha eighteen centuries later than Rāma, the 7th Avatara of the Hindus, they concede the priority to the latter. But Mr. Joinville has himself stated a fact, which we think decisive on the point. The distinguishing feature of the doctrine of the Vedás, is the division into four casts,—the sacerdotal, the military or that of kings, the agricultural, and the servile. Now, our author informs us, that all these formerly existed in Ceylon. 'But,' adds he, 'as all these are the casts of ancient and fabulous times, they can only be said, at present, to exist in books.' This concession is more than sufficient to confirm our opinion, that the doctrine of the Vedás preceded the religion of Buddha in Ceylon, since it is manifest that the casts ceased to exist only after the introduction of the latter.

An Account of the Bazigars, a Sect commonly denominated Nuts. By Capt. David Richardson.

This is an amusing memoir. Captain Richardson describes the manners of several tribes of itinerant jugglers, who gain a livelihood by exhibiting their tricks and gambols for pay, throughout Hindustan. In their love of intoxication, dissolute habits, and indifference for all religion, they resemble the Gipsies; and the language of the latter is most unquestionably derived from India. We have examined, with attention, the vocabulary of the Gipsies, published by Grellman; and half of the words are obviously of Indian origin; many Persian words also occur, and several German and Italian. We are inclined to think that the remainder will be found to be Turkish and Sclavonic, all amassed in the course of their migrations. They gave out in Italy that they were Egyptians flying from the persecution of the Saracens; but this story was much questioned at the time, as invented to excite compassion. Those who arrived in Hungary and Bohemia do not appear to have made that pretension, and came there from the provinces adjacent to the Black Sea. It were curious to ascertain the period of their quitting India. It struck us, that the word *banduc*, a musket, established their emigration to be posterior to the invention of fire-arms. But we are informed that

this term is in use through the whole Turkish dominion. Many Sancrit words occur in their vocabulary, which have never been adopted into Hindustani; and the Persian words might be owing to their transit through that country, as the German and the Italian undoubtedly are. *Náta*, of which the word *Nut* is a corruption, signifies a dancer, in Sanscrit.

On the Burmha Game of Chess, compared with the Indian, Chinese, and Persian Game of the same denomination. By the late Capt. Hiram Cox.

Captain Cox determines the comparative antiquity of those games in favour of the Indian, from its being the most complex and least perfect of them all. This is unquestionably true of that described by Sir William Jones, from the Bhavisya purána, and which was played with dice. But the honour of the invention might perhaps be better decided by the appellations of the pieces, did the subject merit an elaborate investigation.

Upon the whole, our readers will easily perceive, that this volume contains no small share of interesting information: but the Society, we think, has not yet recovered the loss of its illustrious founder,—nor is it likely to give any great attraction to its publications, by inserting in them disquisitions which have no reference whatsoever to their local situation. In this volume, we have, besides the papers we have analyzed, a demonstration of the 12th axiom of Euclid, and a systematic arrangement of Scarabs; articles, we believe, which few European philosophers would think of importing from Calcutta.

Art. III. *Notes on the West Indies, written during the Expedition under the Command of the late General Sir Ralph Abercrombie; including Observations on the Island of Barbadoes, and the Settlements captured by the British Troops upon the Coast of Guiana; likewise Remarks relating to the Creoles and Slaves of the Western Colonies, and the Indians of South America; with occasional Hints regarding the Seasoning or Yellow Fever of Hot Climates.* By George Pinckard, M. D. of the Royal College of Physicians, Deputy Inspector-General of Hospitals to his Majesty's Forces, and Physician to the Bloomsbury Dispensary. 3 vols. 8vo. pp. 1440. London, Longman. 1806.

This work is an extremely valuable addition to our information upon colonial affairs. It abounds in facts, the result of ac-

tual observation, relative to all the interesting subjects enumerated in the above unwieldy title-page, and tends to supply the *desideratum* which we have formerly had occasion to point out among the variety of modern books of travels, by presenting us with a work of this description upon our West Indian colonies. 'It is a strange thing,' says Lord Bacon, in a passage prefixed as the motto of Dr Pinckard's volumes, 'that in sea voyages, where there is nothing to be seen but sky and sea, men should make diaries; but, in land-travaile, wherein so much is to bee observed, for the most part they omit it; as if chance were fitter to be registered than observation.' This complaint might be well founded in the age of Lord Bacon, but it is only applicable in our days under some limitations; for, in these times, when every traveller carries a journal-book as regularly as a portmanteau, our only regret is, that none but the worst diaries ever see the light, while the ridicule that has thus been attached to publishers of their travels, imposes silence on all who are fit to instruct the world by their communications. To this class, Dr Pinckard unquestionably belongs; and it gives us sincere pleasure to see him adventure before the public, notwithstanding the foregoing circumstance of discouragement.

The value and variety of the information which his volumes afford, can only be justly estimated by those who have had occasion to study West Indian affairs in books, and who have constantly experienced the most serious interruptions in their researches, from the omission of minute details of things highly necessary to be known, but left out as trifling, or passed over as presumed to be understood, in the writings of those who are best acquainted with the subject. Dr Pinckard, on the other hand, having gone to the West Indies with very little knowledge of the topics which he there had occasion to examine, remained in those interesting settlements a sufficient length of time to put a person, of less acuteness and activity than himself, in possession of the details so much wanted by the student of colonial affairs in the mother country; and he gives those details in the work before us, with the fulness of a person who is not too much inured, as it were, to the subject. To all those, therefore, who desire such a valuable addition to their previous knowledge of the country, as can only be supplied by books of travels, we recommend the perusal of this work. It contains, besides, a mass of more general and important information, unarranged indeed, and conveyed in a faulty style, but sufficiently interesting to require our further attention upon the present occasion.

Before entering upon a sketch of it, we must clear the way for ourselves, by remarking that Dr Pinckard's style is that of a per-

son unaccustomed to the art of composition, but habituated to write numerous epistles to private friends, and thereby to indulge in all manner of incorrectness, sentiment and eloquence. Hence, a reader not very anxious for the real and solid instruction which his book contains, would be apt to close it in disgust, at the bad taste which it continually displays. It is perhaps enough to mention, as a confirmation of this stricture, the first page containing a dedication of the work to FRIENDSHIP, dated from *Great Russel Strett, Bloomsbury*, and concluding with 'Accept, then, benign power, thine offspring! and cherish it even as thou hast begotten it; and cause thy warmest influence ever to animate the heart of thy faithful and devoted servant, the Author.' All which may be very fine, and we have no doubt is quite sincere; and yet it strikes us as the most absurd dedication we ever read; except, perhaps, that of a book on natural history,—one volume of which is dedicated to a peer of the realm, and another to God Almighty. After this specimen of the author's taste, it is perhaps needless to mention, that his style is extremely inflated throughout. There is nothing more tiresome than his constant load of epithets, where he is not in metaphor; and the frequent recurrence of all sorts of bad figures, raises him to the rank of the letter-writers in circulating libraries. Thus, 'the craggy shores and rugged broken figures of the West India islands, bespeak the convulsive throes of a sudden birth,' and shows that they owe their formation to 'the vehement vomitings of volcanic eruption.' (II. p. 74.) These savour, indeed, of the Doctor's peculiar profession; but, in the next page, (for every page has its flower), the bold summits are piercing the skies, and Barbadoes is the venerable and decrepit parent of the race (of islands.) So (p. 79.) 'the woods fall before the rueful axe;'—'Stagnant morasses empoison the breeze;' and a thousand other utensils and pieces of land and water, are endowed with life and thought, by the creative eloquence of Dr Pinckard. As this work will probably go through more editions, we trust, if he has not the heart to prune and weed himself, that he will employ some dull friend to perform this useful work, and convert his book into a plain narrative, as it ought naturally to be.

The adventures of our author, and his observations upon the West Indies, are contained in a series of letters to a friend. The nine first letters are needlessly occupied with his proceedings before he left England—his journeys in the mail coach—his stay at Southampton and Portsmouth, and a number of common occurrences that happen to every body. He then puts to sea, and is driven back by a storm, which obliges him to encounter more ordinary adventures on shore, until he sails a second time—meets

with bad weather again, but arrives safe at Barbadoes. All the *minutiæ* of the voyage, which would have been very interesting in the fifteenth century, are carefully detailed in successive epistles; so that it is only in the eighteenth letter, about the middle of the first volume, that the work may be said to begin; and, among other improvements for a second edition, the unfeigned interest we take in the success of this work, makes us suggest the total omission of the first seventeen epistles.

The following extracts contain his description of the first impressions made by the climate and scenery of the West Indies. He landed in Carlisle Bay.

'The harbour is a fine open bay, the whole of which, with its varied shores, were before the eye; many ships were riding at anchor, and a multitude of boats and small vessels were sailing and rowing to and fro. The two points of land, at the entrance, serve as a defence; while they augment the beauty of the harbour. On one of them appears a formidable battery, together with an extensive barrack for troops: on the other is a fine grove of mountain cabbage, and cocoa nut trees. Through the shipping at the bottom of the bay, are seen numbers of neat cottages; among which are interspersed various tropical trees, affording the protecting shelter of their umbrageous summits. On the south-west shore stands Bridgetown, the capital of the island; and on the north-east, upon high ground, is a new and handsome quadrangle of stone barracks, with the military hospital and other buildings of St Anne's Hill. Nor is the prospect confined to these limits. It extends still wider; and, in addition to the water, the shipping, and the numerous other objects immediately before the eye, the back ground, beyond the bay, and above the town, forms a rich and extensive landscape. The land is seen above the houses, the trees, and the topmasts of the ships, rising to a great distance, clothed in all the richness of its tropical apparel. Verdant fields of sugar, of coffee, and of cotton; fine groves, dark with luxuriant foliage; country villas; clusters of negro huts, windmills and sugar works, all present themselves to diversify and enliven the picture. Such was the scene that appeared before us as we sailed into Carlisle Bay.' I. 196, 197.

'The very beautiful rising and setting of the sun and the moon, were the frequent and admired subjects of our contemplation. Viewed from a West India sea, the surface of these orbs does not appear like a mere plane fixed in the heavens, as in Europe, but their convexity and globular form are seen very distinctly. When rising, they appear as detached globes protruding from the deep; at setting, they resemble distinct spheres sinking, or rather dropping, divested of their rays, into the ocean.

'The moon is brighter than in England, and reflects a clearer light. When only a few days old the whole orb is visible—not decked in uniform brightness, as when it is at the full, but with the great body in shade, while the horned edge, alone, is dressed in silver.

'The appearance of the western sky was likewise an object of novelty to us. By day the whole canopy is one fine azure expanse, bright and unclouded; but, at evening, dark mountainous clouds accumulate, and, gathering into deep heavy masses, impend in awful majesty of form over the horizon.' I. 218, 219.

After landing in the Barbadoes, our author made excursions through various parts of the island,—resided sometimes in the town, sometimes in the country,—visiting the inhabitants of all classes, merchants, planters, whites and negroes; and he notes down every thing that he observed, in the order in which it occurred. He has accordingly given a minute, and, we believe, a very faithful picture of the manners, habits, and character of the Barbadians; and, with all the allowable partiality of a friend, grateful for the constant hospitality which he met with, he has abundantly confirmed the notions entertained by all who have attended to this subject, relative to the uncomfortable and vulgar state of society, and the absurd vanity, and other still less amiable qualities of the natives. His evidence on the grand question of West Indian policy, the slave system, we reserve for a distinct abstract, in which we shall bring together the different proofs scattered over his volumes. At present, we shall give our readers a few extracts illustrative of the state of society in Barbadoes, omitting, for the sake of decency, the important facts in Letter XXII. Vol. I. relative to the dreadful influence of the negro population upon the manners of the white women. The Barbadians look upon themselves as not only the privileged race of West Indians, but as superior to all other nations.

'Besides the great number of hospitable mansions found on the large plantations, in the different parts of the country, many humble dwellings attract the notice of the traveller, and improve the general scenery of the island. Of some of these I have before spoken. They are the cottages of a poorer order of white people—of obscure individuals, remote from the great class of merchants and planters, and who obtain a scanty livelihood by cultivating a small patch of earth, and breeding up poultry, or what they term stock for the markets. They are descended from European settlers; but, from misfortune, or misconduct in some of the race, are reduced to a state far removed from independence; often, indeed, but little superior to the condition of free negroes.

'Curiosity has led us to visit several of these families; and we find that, throughout many generations, their predecessors have lived constantly in the island. Some have not been able to trace back their pedigree to the period when their ancestors first arrived, and therefore have no immediate thought or regard concerning the mother country; but abstractedly consider themselves only in the detached sense of Barbadians, fondly believing that, in the scale of creation, there can be no other country, kingdom or empire, equal to their transcendant island—

to their own Barbadoes: and hence the adage, '*What would poor old England do, were Barbadoes to forsake her?*' The same spirit of attachment and of preference is also betrayed in the common expression, '*neither Charib nor Creole, but true Barbadian*'—thus proudly distinguishing themselves as the true-born natives of the island which they consider superior to all others. They do not even admit themselves to be *Creoles*, but they are "Barbadians,"—a something distinct and superior—a something different from, and unlike the inhabitants of the other West India islands!

'The pride attaching to this sentiment, I have before remarked to you, has diffused itself even to the negroes, who now loudly echo the boastful term—"*me Badian!*" II. 132, 133.

The following passage describes the effects of the climate in producing indolence and languor.

'One of the most prominent characteristics of the island is the tedious languor in which the people of Barbadoes pronounce their words. Nothing perhaps is more annoying to strangers. To convey to you, by the pen, any idea of their manner of speaking, is utterly impossible:—to be comprehended, it must be heard. The languid syllables are drawled out as if it were a great fatigue to utter them; and the tortured ear of an European grows irritable and impatient in waiting for the end of a word or sentence. "*How you do to da—ay?*" spoken by a Barbadian Creole, consumes nearly as much time as might suffice for all the compliments of the morning! Nor is this wearisome pronunciation confined to the people only. It occurs, likewise, among the whites, particularly those who have not visited Europe, or resided for some time away from the island. In the same lengthened accent, do the lower orders of Barbadians, in unrestrained impetuous rage, pour forth vollies of uncommonly dreadful oaths, which, in their horrible combinations and epithets, form imprecations so strikingly impious, as to entitle them to the *merit* of peculiarity.

'In manner also, and in movement as well as in speech, a degree of indolence and inaction prevails, beyond what might be expected merely from heat of climate, and which has in it a something extremely annoying to Europeans.' II. 107, 108.

The hospitality of the Barbadians is such as might be expected in a half-civilized country, abounding in men suddenly raised to affluence, and in most of the rude produce subservient to animal enjoyment. It betrays a proportionate want of refinement and selection in the society, and of elegance and even manufacture in the materials. The following extract will probably bring our readers more speedily into the bosom of a West Indian family, than the most laboured general description.

'The breakfast usually consists of tea and coffee, or chocolate, with eggs, ham, tongue, or other cold meat. Bread is seldom used, but substitutes are found in roasted yams or eddoes, both of which a good deal resemble roasted potatoes. They are used hot, and eaten with

butter, which is sometimes made in the country, but more frequently barrelled and brought from Ireland; that made in the island being of cream-like softness, and not always of good flavour. In the course of the forenoon are used fruits, or sandwiches, with free libations of punch and sangaree. Immediately preceding dinner, which is usually at an early hour, are taken punch and mandram. The dinner, for the most part, is profuse; and many hours are commonly passed at table in full and busy occupation.

'After a more than plentiful consumption of food, a free indulgence in fruit, and a bounteous supply of wine and other good liquors, to crown the repast, the appetite and thirst are further provoked by a dish of sprats, or other broiled fish, and a large bowl of milk punch. Tea and coffee are next served—and, lastly, comes the supper, which forms no trifling meal. After this, the bottle, the glass, and the punch-bowl, know no rest, until the silent hour, when Morpheus, with rival powers, dethrones the Bacchanalian god.' II. 97, 98.

'In the order of the feast, plenty more prevails than elegance. The loaded board groans, nay, almost sinks beneath the weight of hospitality. That delicacy of arrangement now studied in England, under the term economy of the table, is here deemed a less perfection than a substantial plenty. Liberality is more esteemed than delicacy in the supply; and solids are, sometimes, heaped upon the table in a crowded abundance, that might make a London fine lady faint.

'The repast not unfrequently consists of different kinds of fish—a variety of soups—a young kid—a whole lamb, or half a sheep—several dishes of beef, or mutton—a turkey—a large ham—Guinea fowls—and a pigeon pye; with various kinds of puddings; a profusion of vegetables; and multitudes of sweets. I was lately one of a small party, where precisely this dinner was served, and where the half of a sheep, kicking its legs almost in the face of the master of the house, adorned the bottom of the table—forming the most unseemly dish I ever beheld.

'Perhaps we may find it to be common to the West Indies, but, hitherto, it has appeared to us peculiar to Barbadoes—to put on table three or four large substantial puddings of different kinds, and four or five dishes of the same sort of meat differently dressed. Unaccustomed to this, an English eye, on looking into the dining-room, is surprised at the continuation of mutton, mutton, mutton, pudding, pudding, pudding, from one end of the table to the other, and which the crowd of other good things seems to render unnecessary.

'The generous board is often supplied wholly from the produce of the estate; and on the occasion of giving an entertainment, it is not unusual to kill an ox, a sheep, or, literally, the fatted calf: hence it occurs that various dishes of the same kind of food, under different forms, sometimes make up the principal part of the dinner, and, thus, it becomes explained, why we sometimes see upon table, at the same time, roasted mutton, mutton ragout, boiled mutton, mutton chops,

and a mutton pye. The puddings mostly used are of citron, cocoa-nut, yam, lemon, and custard, and do great credit to the Barbadoes cookery-book. The dessert is not less plenteous then the dinner, consisting of a variety of fruits and preserves, served in crowded supply. The bottle and glass pass freely, and the fluids are in full proportion to the solids of the feast.' II. 100, 101, 102.

Having escaped from this hospitality by the united strength of his constitution and his professional skill, Dr Pinckard was detached as chief of the medical staff with the expedition sent to restore the balance of power in Europe by the capture of the Dutch settlements in Guiana. In a short time, the colonies of Essequibo, Demerara, and Berbische, were taken, it being speedily discovered by the Dutch, that the events of the European campaign would restore those provinces at a general peace, after our temporary possession should at once have fed them with the capital of which they stood so much in need, and given them the certainty of further supplies, even subsequent to their restitution. * In Guiana, our author remained above a year, and made various interesting and adventurous excursions. His anecdotes are for the most part amusing; and his observations relative to the Indians, whites, and negroes, are curious and valuable. We shall not pretend to abridge these, but shall content ourselves with selecting some parts by way of specimen; premising, that we omit entirely those parts which touch upon the yellow fever, and other diseases of the climate, though they are both extensive and important branches of the work. The following passage contains by far the most distinct and striking description of the settlements in Guiana that we have ever seen. We make no apology for transcribing it entire.

'On approaching these colonies from the sea, the land is not visible, until you come very near to the shore. The tops of trees only are seen; which appear to be growing out of the ocean. Before the coast was brought into cultivation, the forest reached very near to the edge of the water; and, from the land being low, it was frequently overflowed by the tides. Now, there is a cultivated territory, a mile and a half in depth, between the ocean and the forest; but this is so entirely flat, as wholly to escape the eye, and, on sailing towards the coast, the trees still look as if they were growing within the edge of the sea.

'Perhaps none but the plodding industrious Hollander would have attempted to settle in such a country—where wood and water concealed every appearance of the land, and seemed to bid defiance to all the powers of cultivation. Nor, indeed, were the early labours of the first settlers directed to this part of the coast. They sailed far

* This has been already explained in various articles of our Journal. See particularly No. VIII.

up the rivers, and established the settlements upon their more elevated banks, at a distance remote from the sea; not venturing to devote their industry to the immediate borders of the ocean, until they were prompted to it by the enterprise of more adventurous planters from the British islands.

'The whole of the territory now brought into cultivation upon the coast, is *made* land. It has been placed—I had almost said created, by the hand of man; and is only preserved to his use by constant toil. Numerous ditches and canals are cut to drain the water from the common surface; and the land that is planted, is only the mud and clay thrown out of these channels.

'An estate, or plantation, usually consists of a long piece of flat land, about a quarter of a mile in width, and a mile and a half in depth, running back from the sea to the woods. It is bordered by wide ditches, and traversed by numbers of others, and is thus formed into many separate divisions, somewhat resembling an assemblage of beds—such as are usually made in our English gardens for the planting of asparagus.

'From a number of these estates lying contiguous to each other, the coast is formed into an open, though narrow, territory, and the border of the sea swells into one splendid cotton field, a mile and half deep, and of nearly seventy miles extent. The surface being quite level, this immense tract of cultivated land opens at once to the eye, and the scene is not less rich than novel. Perhaps a plain so spacious, a soil so fertile, and a produce so abundant, cannot be met with in any other country.

'Like the soil in cultivation, the land which forms the public roads is only the mud and clay procured from the ditches that border them. They are of course flat, like the rest of the territory; and, running at the bottom, or along the sides of the estates, they form straight lines, and right angles, throughout the whole extent of the plantations, interrupted only by the wooden bridges which cross the numerous ditches and canals.

'In allotting the land a certain width of territory between each two estates, is, with much wisdom, reserved to the colony, in order to form what are here termed colony paths. These not only serve as common ways, from the front to the back of every plantation, but in each of them is cut a public canal, which runs from the sea, throughout the whole depth of the cultivated land, to the forest. By this provision, many useful purposes are answered,—the public convenience is promoted, and each individual planter is benefited.

'The colony path, not only offers itself as a common road, from the sea to the bush, but preserves a free communication for any future settlers, who may engage in the cultivation of land at the back of the present estates: while the canal, by means of floodgates, lets off to the ocean the water that lodges in the forest, and prevents it from overflowing the cultivated fields; bringing, at the same time, a supply of fresh water for the use of the negroes and the cattle; and

affording to the planters a ready means of conveying the produce of their estates to the sea.' Vol. III. pp. 388, 389, 390, 391, 392.

In these extensive flats, thus rescued from the sea by the most industrious of mankind, the peculiar fertility of the soil renders the crops far more abundant than in any other West Indian settlement. This very fertility offers, indeed, the only obstacle to cultivation, by exacting a constant care from the weeders and hoers. But such labour to Dutchmen, who are abundantly supplied with slaves, is of trifling difficulty. On the other hand, these possessions enjoy the singular advantage of entire freedom from the earthquakes, hurricanes, and destructive insects, so fatal to the profits of the husbandman in the Caribbee Islands. They are exempt from the great droughts; and, from their flatness and exposure, suffer few sudden changes of temperature, or cessations or interruptions of the regular breezes.

The cultivation of this country began near the rivers, and was for a long time confined to their banks. But since their intercourse with England, by means of loans, conquest, and English emigration, the rivers have been deserted for the more profitable culture of the land on the coast. Thus, the colony already exhibits a singular appearance. It consists of a narrow strip of highly cultivated land, on the borders of the sea, and bounded, on the opposite side, by a forest extending over the whole continent. The rapidity of the clearing and settling here, is of that unnatural sort which is only known in slave colonies, where the number of hands may be always multiplied to any extent required, by the abundance of capital. In less than twelve years, one hundred and sixteen plantations were established, and indeed perfected, in the colony of Demerara. These, in 1797, were almost all in cotton, and produced, at an average, from 50 to 60,000 lib. each, *per annum*. But, since that time, the number of estates has greatly increased; and, as usually happens, many of the cotton plantations have been converted into very rich sugar estates. It may be proper to remark, that a sugar plantation requires one negro for every acre of land; a coffee plantation two negroes for every three acres; and a cotton plantation only one negro for every two acres. The number of slaves in the colony of Essequibo and Demerara amounted, in 1797, to 55,000; but they are now increased to upwards of 80,000. A single estate, being that of the wealthy planter, has 2000 slaves; and his fortune is estimated at 50,000*l*. Sterling a year.

Here, as in all other tropical colonies, the cultivation of sugar, coffee, and cotton, almost wholly engrosses the stock and labour of the community. The fruitfulness of the soil, indeed, is equally adapted to the production of the ordinary vegetable food of man

and cattle, and would raise immense crops of all sorts of grain and garden stuffs; but the exportable produce is found more profitable, and a small proportion only of vegetable food is raised for consumption. In like manner, though the forests swarm with all sorts of game, and though every domestic animal thrives well in the plantations, a very small portion of attention is bestowed on live stock. These things may be seen from the relative prices of different commodities. Bread costs 5d. a pound; grass, fresh cut, 5d. a bundle, of which a horse requires five or six in a day. Beef and mutton 1s. 6d. a pound; bad milk 5d. a pint; a turkey 1*l.* 5s.; while sugar costs 4d. a pound, coffee 7½d., and cotton 1s. 3d. Articles of manufacture, it is needless to add, are extravagantly dear, as in all West India colonies, and articles of importation still dearer. A small tart, which in London would cost a penny, in Demerara costs 5d. A very ordinary saddle and bridle cannot be had under ten guineas and a half; and a pound of green tea costs a guinea. Where almost all the work in the country is performed by slaves, it becomes difficult to estimate the natural price of labour. It may be conjectured, however, from considering the profits of a class of capitalists in these colonies, who buy great numbers of negroes, and, having no landed property, let them out to others for so much daily or monthly hire. —The neat profit obtained in this way, from a slave who cost originally 80*l.* Sterling, is from twenty to twenty-two guineas a year, the person who hires him paying all expenses of food, medicines, &c. It is calculated, that a negro hired by the day brings his master about four shillings; and, when hired for a number of weeks, about half that sum. Of course the higher kinds of labour performed by whites and free mulattoes, as carpenters' and smiths' work, are exorbitantly dear. A common labouring carpenter can earn nearly eighteen shillings a day.

We have already stated our intention of passing over Dr Pinckard's medical dissertations, though they are, we doubt not, extremely valuable. We shall only observe, that he thinks the climate of the colonies in Guiana by no means worse than that of the islands; and hazards an opinion, that our troops might be rendered nearly as effective for service in the West Indies as in Europe, by gradual transportation, first to Gibraltar, then to the Windward Islands, and not to the less wholesome climate, until after a few years seasoning in those cooler and safer places. It is clear, on the other hand, that the climate, even of the most favoured of the islands, renders insupportable to European constitutions all those harder exertions of labour which must be performed to raise West India crops. Nevertheless, there are scattered over Dr Pinckard's volumes various proofs that the creole

whites are capable of undergoing great fatigue, and that many of the poorer of their number, those who are usually denominated *small whites*, live entirely by their own industry, like the peasants of European countries, without any slaves to cultivate their farms or tend their cattle.

We now proceed to close this account of the work before us, by noticing the evidence which it gives us on the subject of the slave system. The first thing which must strike every reader on this matter is, that though Dr Pinckard was always well received by the planters—lived in their society on a footing of the closest intimacy—was a witness of all the good as well as the evil of their manners—and is, in every respect, most naturally and properly inclined to vindicate them where truth will permit; yet his whole volumes, abounding in every species of information, containing all the results of his attentive, unwearied observations on the state of the slaves, as well as of the colonies in general, and written with a minuteness which only the importance of the subject and his abilities could prevent from being tiresome, do not offer to the most attentive perusal one single fact or circumstance approaching to a defence of the evils so often imputed to the slave traffic. Their whole compass offers not a line to contradict, nor even in any degree to weaken, the mass of evidence upon which former writers on colonial affairs have long ago denounced that detestable enormity. On the contrary, he furnishes, almost in every page, new examples of its evils, and new grounds for pushing its abolition. Of these, our limits only permit us to extract a few specimens. Nor is it, we trust, necessary to multiply the proof, at this time of day, when the Legislature is on the eve of proceeding to the total destruction of the trade, upon the unexampled chain of evidence already before them—evidence which, we will venture to assert, renders this by far the clearest case of a union between justice and policy that occurs in the whole history of nations.

It appears from our author's comparative account of an American and a Liverpool Guineaman, both of which he minutely examined, that, in spite of all our regulations, the former has the advantage in the treatment of the cargo. The English negroes were, he at first thought, better looking, from their skins not being affected by an eruption very prevalent among the American slaves; but this difference, he found, was owing to the use of a vile composition of spirits, gunpowder, &c. with which the former were rubbed on approaching the market, and which was to be used with the latter also as they came near America. (See vol. I. p. 232.)

His description of an insurrection on board the American

ship, when lying off the coast of Guinea, deserves to be noticed, by those who conceive that the negroes are sold by common consent, being the absolute property of African masters before we get them. Those miserable wretches were kept on the coast, while the cargo was completing, in view, says our author, of the country where they had left their wives and families. They rose upon the crew in a fit of despair, and having murdered the captain and mate, were only quelled by a superior force. (See vol. I. p. 236.)

Of the desire which those poor creatures have to return to Africa, after tasting the sweets of European society, or their eagerness, by any means, to get rid of those enjoyments, we learn many curious particulars in the volumes before us. That they universally believe in transmigration to Africa after their decease; and that this renders them often desirous to terminate their miseries by suicide, which masters have the greatest difficulty in preventing, are statements pointedly made by Dr Pinckard. But his account of two negro funerals, which he witnessed himself, are still more striking, as evidence of the humanity of planters, and the happiness of their slaves. At both these solemnities, the most unbounded marks of joy, and, as it were, congratulation, formed the rude ceremonial. The corpse of the happy negro, now rescued from his chains by a power, against which not even white men could contend, was followed by his surviving comrades, singing and capering for joy; not asking him, like the barbarians of the polar circles, why he died, or lamenting that he had left them; but addressing him in exclamations of envy,—of hope that they should speedily follow him,—and of confidence that the moment of their death would prove also the signal of relief from their wretchedness. (See vol. I. p. 273, and vol. III. p. 67.)

It is needless to observe that these volumes abound likewise in examples of the good qualities of the Africans, even under circumstances the least favourable to the development of any of the excellences of our nature. Their fidelity, gratitude and humanity, are exemplified in many anecdotes which passed under the author's own eye, and which we forbear to dwell upon, only because we conceive the doctrine of negroes being divested of all good feelings, to be a senseless paradox, daily losing ground, and unworthy of a laboured refutation. (See particularly, Vol. I. p. 367; III. p. 267; II. pp. 218, 222, 330; and III. p. 358.)

But with all these undoubted marks of amiable qualities which those passages exhibit, we find an unavoidable mixture of the features peculiar to uncivilized men—men kept forcibly in a state of unrelenting slavery—men suddenly and violently transported

from a state of savage freedom to a state of bondage in a civilized community. Their hatred of bad masters, their sense of injuries, their proneness to insurrection, are clearly illustrated by the details of Dr Pinckard. We refer particularly to the account of the fury exhibited by the slaves on a certain plantation against the overseer, for his cruelty towards one of their comrades, vol. III. p. 68; and the debasing and unnatural effects of slavery on the character may be estimated by the habits of stealing from their masters without thinking it any crime; which are described, vol. II. p. 118.

The general cruelty of the treatment to which negro slaves are subjected, receives strong illustration from the adventures related, and the observations made in these curious volumes. With all his tendency to excuse the planters, it is obvious, (from vol. II. p. 208), that instances of good treatment are given by Dr Pinckard, as exceptions to the general fact; while anecdotes of a contrary nature are to be viewed only as examples of the prevailing rule. The particular specimens of atrocious cruelty, both in masters and mistresses, and in overseers, contained in vol. II. pp. 193 and 250, and III. pp. 64 and 72, are too shocking for these pages. We shall content ourselves with remarking, that, in other passages, proofs are given of a more general nature, and leading to certain universal conclusions which nearly decide the question of treatment. It is quite clear from the facts related in vol. I. p. 398, and vol. II. p. 68, that the feelings of white men in general, and as a body, are altogether different in the West Indies and in Europe. For we find in those passages, that wanton and unprovoked cruelties are committed on negroes on the public streets, in the face of day, before the whole mob of whites, sometimes by their masters, but sometimes also by indifferent persons who happen to be present; and that so far from exciting the least disapprobation, the aggressor's part is always taken by the multitude, who in England would tear to pieces such miscreants as are there described. From vol. II. p. 270, and vol. III. p. 166, it clearly appears that the tendency of all the whites to make common cause against all blacks, is sufficiently strong, to prevent persons in the highest offices from observing the laws where negroes are concerned; and the shocking story related in vol. III. pp. 71 and 72, proves how impossible it is to infuse into the common run of West Indians the least idea that cruelty to a negro is a crime.

It may be asked, then, if slaves are anxiously desirous of regaining their liberty? That imported slaves are so, no one has ever doubted; but Creole negroes, who have never known freedom, are incapable of enjoying it; and being unfitted, by their

unnatural state of bondage, for supporting any independent character, they seem to have very limited ideas of the advantages of liberty. Our author relates several anecdotes to this effect; and gives the conversation which he held with some slaves on the subject of emancipation. (vol. III. p. 252.) The wish to get rid of a cruel master, and to live idly, was common to all with whom he talked; but those unfortunate beings at the same time observed, that if they were freed, they might starve at the present moment, and must die of hunger when they grew old. (III. 255.) It is quite needless to add, that such facts are only strong confirmations of all that has ever been said against slavery and the slave trade.

We shall conclude these references, with noticing the many instances furnished by Dr Pinckard of the wretchedness occasioned at slave sales, by the separation of friends and relatives. This dreadful and inherent feature of the traffic has not perhaps been sufficiently attended to; and we meet with it in every account of a sale which our author gives. Of the many examples which abound in these volumes, we shall extract one. It is the description of a mother who was exhibited at a sale, with her son and three daughters.

'The fears of the parent, lest she should be separated from her children, or these from each other, were anxious and watchful beyond all that imagination could paint, or the most vivid fancy pourtray.—When any one approached their little group, or chanced to look towards them with the attentive eye of a purchaser, the children, in broken sobs, crouched nearer together, and the tearful mother, in agonizing impulse, instantly fell down before the spectator, bowed herself to the earth, and kissed his feet; then, alternately clinging to his legs, and pressing her children to her bosom, she fixed herself upon her knees, clasped her hands together, and, in anguish, cast up a look of humble petition, which might have found its way even to the heart of a Caligula!—and thus, in Nature's truest language, did the afflicted parent urge the strongest appeal to his compassion, while she implored the purchaser, in dealing out to her the hard lot of slavery, to spare her the additional pang of being torn from her children;—to forbear exposing her to the accumulated agonies which would result from forcing those asunder, whom the All-wise Disposer of events had bound together by the most sacred ties of nature and affection.' III. 357, 358.

'*Et dubitamus adhuc?*' And shall we still hesitate to put down this greatest of human iniquities? Shall we still reserve all our execrations for those *political* crimes which our enemies or our allies have been committing in Europe, and exhaust all the efforts of conscience in repenting of our own enormities in Asia, nor once turn a thought towards the slave coast and the slave islands, where public injustice and individual atrocity are

working hand in hand—where more wretchedness is hourly accumulating in a few spots of ground, than France has spread over the west, and England over the east, during an age of violence or intrigue?

ART. IV. *Translations from the Greek Anthology, with Tales and Miscellaneous Poems.* London. Philips. 8vo. pp. 233. 1806.

ALL who aspire to the character of Greek scholars, must have devoted some portion of their time to the several anthologies which have been preserved by the collectors of various ages; a study, in the prosecution of which, if they have been occasionally wearied by the insipidity, or astonished at the inanity of some poems, they must have been often charmed by a striking purity and nobleness of sentiment, interested by a most natural and delicate expression of human feelings, and delighted by beautiful and finely-finished descriptions of visible objects. The homage due to these excellences has been already paid, in many instances, by the lovers of English literature; many of the most popular among Ben Jonson's lighter poems, many of Cowley's, some of Prior's, and some, it would appear, even of Shakespeare's, having been originally drawn from this source: but we do not hesitate to say, that much still remained well worth the labour of translating, and capable of forming a most desirable accession to our national libraries.

The nature and value of the acquisition thus to be obtained, would depend in a great measure on the taste and talents of him who should undertake the task of translation. A complete and indiscriminate version of all the poems contained in all the anthologies, accompanied with such an illustration as contemporary authors might easily be made to contribute, would supply such a gratification to the antiquarian of Grecian customs and habits of thinking, as Pompeii has afforded to the traveller who longed for a specimen of the external appearance of a city inhabited by ancient Romans. If, on the other hand, the less enlarged ambition of the translator could be satisfied with transfusing into English the poetical beauties which he found scattered through the pages of the Grecian epigrammatists, we are persuaded that a careful, and what we should call a *sifting* selection, would have admitted our fair countrywomen to the enjoyment of many most exquisite productions. The author of the present work appears to us to have had both these plans in view, without adhering to either with sufficient steadiness: the number of poems translated

is infinitely too small, and their subjects by far too general, to preserve much of the interesting peculiarity of ancient manners; and certainly no accurate discrimination of merit appears in the selection actually made. Not a few pieces are introduced, which to us seem quite destitute of beauty, and are recommended by no other circumstance of curiosity, than that such things should ever have been written, read, and translated.

From the title of the work, we are led to conjecture, that it was confined to such poems as are found in the Anthology of Maximus Planudes, the last of the Greek collectors: but it appears that many valuable fragments have been drawn from the rich treasuries of Stobæus and Athenæus; and a scanty specimen is subjoined of the mutilated relics of the Comedians. We are informed, in a preface of some length, which is elegantly written, though with too great an affectation of softness and sentiment, that the first regular anthologist was Meleager the Syrian, himself a poet, who lived about a hundred years before the Christian era. For him our editor has contracted a very natural partiality, and will not suffer him to lie under the imputation of having indulged in satirical effusions. While we applaud this sensibility for the honour of Meleager, we must be permitted to doubt the correctness of a style of argument, the tendency of which would be, to convince future ages, if Eloisa's epistle survived alone among the works of Pope, that he had never libelled Lord Hervey, nor wallowed in the mire of the Dunciad. The same kind of reasoning is afterwards employed in one of the notes, to prove that three different persons bore the name of Simonides, and, we think, with even less appearance of justice.

Philip of Thessalonica continued the work, at an interval of 150 years; but, in the sixth century, Agathias, the continuator of Procopius, instead of preserving the former collections, and making such additions as must have occurred since the days of Philip, did little more than bring together the loose sonnets of his own licentious age. The reader will be shocked to hear that he was abetted in his unhallowed labours by Paul the Silentiary, whose very name he will be prepared to respect and venerate, as belonging to the most pure and tranquil-minded hermit of the desert; not to an obscene voluptuary, the eulogist, and probably the paramour, of the insatiable Theodora. His entire name was Paulus Cyrus Florus; he was probably indebted to the partiality of the empress for his addition of Silentiarius, which imports no brahmin penance inflicted by him on his own tongue, but the office of imposing silence upon others. 'It was an office,' our author informs us, 'in the *Court of Justinian*, corresponding to that of gentleman usher.' p. xxiii. note. We were never before

apprised, that the gentleman usher of modern times was invested with a despotic control over the conversation of the ladies; and are more inclined to suspect that the functions of the Ησυχεποιος corresponded with those of the crier of the *Court of King's Bench*, who 'strictly charges and commands all manner of persons that they *keep silence*, on pain of imprisonment.' In the tenth century, Constantinus Cephalus made another effort to preserve the then remaining epigrams; and the last of all the collectors was Maximus Planudes, 'a monk (says the preface) of the fourteenth century.'

That this extraordinary character, not the greatest so properly as the only scholar of his age, should be dismissed with so short a notice, is the more surprising, after the long conjectural observations on Meleager and Agathias. We do not expect that even learned men should ransack the libraries of Italy or Paris, in quest of his Greek versions of the Metamorphoses, and of Cæsar's Commentaries, though their labour would be well repaid by the spirit of the one, and the remarkable clearness and accuracy of the other; but surely our author could not be ignorant, that Planudes has obtained the doubtful glory of being one of the first and most successful authors of literary forgery. He published the celebrated fables, under the name of Æsop, who certainly never wrote one of them, together with a biography of that illustrious slave, in which every incident is demonstrably the invention of the writer. Nothing can more strongly prove the natural ease and vivacity of style, by which these productions are distinguished, than the credulous acquiescence with which they appear to have been universally received as genuine till the 17th century. Then, indeed, Father Vavassor made the fatal discovery, that Æsop, in his supposed life, is frequently made to quote Euripides, who was not born till near a century after his death; and that the fables not only speak of the Piræus by a name which it did not receive till the days of Themistocles, but also anticipate the very words of a religious observation, which may be found in the 6th verse of the 4th chapter of St James's Epistle. Why were these facts respecting Planudes excluded from an essay abounding with information on less interesting subjects? Was it apprehended that our knowledge of his having committed one forgery, would have laid him under suspicion of another?—and that the readers of this work might be visited by disagreeable misgivings, that while they had given themselves credit for their intimacy with Solon and Mimnermus, they had, in fact, been only decoyed into the company of the monk Planudes?

After a few more observations on those to whom the author has been indebted in the course of his performance, we are in-

troduced to the comic poets, and meet with the following striking remarks on Menander.

'The name of Menander, from the praises lavished on him by his contemporaries, suggests to our mind the most complete model of gaiety that any poet before or since his time has presented. We are entitled, from the universal assent of the ancients, to expect this quality in a writer to whom it was said so eminently to belong. But time has revelled on the noble image of Menander; it has preyed on all that was inviting in his aspect, and spared little else than his frowns, wrinkles, and deformities. What a proof does it present to our mind of the instability of mortal fame, when we find that the very character of this celebrated bard has undergone so entire a revolution; and that, of his voluminous works, the monuments by which he vainly hoped to be immortalized, only fragments enough remain to present to our view the very reverse of that which they were designed to perpetuate!

'Even this poet, gloomy and melancholy as he now appears, was once, according to Pliny, "*omnis luxuriæ interpres;*"—in the language of Plutarch, "the constant worshipper, the chief priest of the god of Love, who, like some universal spirit, pervaded and connected all his works." Yet his love was so refined, and his voluptuousness so guarded by delicacy, that he was placed, without scruple or danger, in the hands of youths and virgins.

"Fabula jucundi nulla est sine amore Menandri,
Et solet hic pueris virginibusque legi." OVID.

'Many ages after his death, a statue was erected to his memory, and placed by the side of the image of Cupid.

'Two or three epigrams made upon this statue are preserved, which display, in the figurative, but forcible language of his countrymen, the estimation in which he was held, and give him a distinguished rank among the gay and amorous poets of antiquity. I select the following.

"Menander, sweet Thalia's pride,
Well art thou placed by Cupid's side;
Priest to the god of soft delights,
Thou spread'st on earth his joyous rites;
And sure the boy himself we see
To smile, and please, and breathe in thee;
For, musing o'er yon imag'd stone,
To see thee, and to love, are one."

"In supporting the characters of fathers, sons, husbands, soldiers, peasants, the rich and the poor, the violent and the gentle, Menander surpassed all in consistency, and by the brilliance of his imagery threw every rival into the shade." Such is the character given of him by Quintilian. The natural partiality of Cæsar for his countrymen, only permits him to give a secondary place to Terence, the imitator of the elegant, but not of the witty, Grecian. Ausonius couples our poet with Homer; and he is extolled, by all those who had access to his works, with an enthusiasm not inferior to that with which the name of that prince of poets is mentioned.

'I have heard that a great English orator now living, the only scholar who has made the style of Demosthenes his own, and adapted it to present politics and the events of the times, has frequently declared his opinion, founded on the specimens of our poet which yet remain, and the praises of all the discerning ancients, that the loss of his dramas is more to be deplored than of any other ancient writings whatever. Alas! Menander is no more; and all the praises of antiquity, and the regret of subsequent ages, resemble only the rich mantle which wraps the corpse of a monarch, or the frankincense which burns upon his pile!

'A few relics, among those of lesser note yet remaining (which, like the bones of some giant picked up in the field, once the theatre of his exploits, cannot be fitted to any other than the huge body to which they belonged) give us some idea of the vastness of Menander.—But "*quantum mutatis ab illo!*" Where are the flowers, perfumes, garlands, the breathings of gallantry and tenderness, the sprightly sallies of wit, and all the apparatus and circumstance of love, youth, and delight, that conveyed and recommended morality to the gay and thoughtless, by attiring her in a dress that enamoured her beholders? That his aim was morality, is evident from the praises bestowed on him by Plutarch and other writers. This end he kept in view, "unmixed with baser matter," and by a sort of Παιδαγωγια, by an equal exertion of force and persuasion, commanded the hearts of his readers and auditors. And yet the fragments that have come down to us, stamp him with the character of morose, sarcastic, and querulous. But these sentiments were put by him into the mouths of characters whom he designed to hold up to detestation or ridicule;—and what remains of him does not mark so strongly his own peculiar genius, as the taste of those selectors who have chosen his words to illustrate their own ideas. Thus, to the saturnine and melancholy selector we owe the survival of the sad, peevish, and infantine complaints on the many sorrowful *items* "which flesh is heir to," and which, instead of offering an alleviation to the evils we suffer, tend to aggravate their load, and debilitate the bearer. On the other hand, the strikingly moral passages with which his works abounded, alone caught the attention of the fathers of the primitive church, who found in the Greek comedian a strain of piety so nearly approaching to their own belief and feelings, that all ideas of a preponderance of satire over moral precept must yield to evidence so irresistible as the approbation of Clemens Alexandrinus and Eusebius. In short, it is from these two sources alone, the writings of the melancholy and religious man, that we are furnished with our specimens of the great Menander. Happy were it for us and for posterity, had the gay, the lively, and the witty, finished the portrait of the bard, by transmitting to after ages examples that would have enabled us to measure him by the standards of humour, sprightliness and fancy!' Pref. pp. xl—xlvi.

From the circumstance, of nothing being known concerning Philemon, every thing is charitably presumed in his favour, though we doubt whether the story which is here copied, of his

dying of laughter at seeing an ass eat figs and drink wine, involves any great compliment to his understanding. We must not withhold the following *morceau* from our readers.

'Every thing seems to have been so well tempered within him, all violent and malign passions to have been held in such perfect subjection, and all the more engaging and estimable qualities to have been allowed such free indulgence, that his constitution suffered no violence from pent-up emotions, and his body no diminution of vigour from the jarring, gloomy, or furious elements of his mind. He did not indulge in the luxuries of the table, which, as they pamper, irritate and inflame, are, at least, one of the sources from which the most dangerous disorders of temper, intellect, and constitution, derive their growth. Owing to these causes, he reached the very advanced age of one hundred and one years.' Pref. p. li.

We should not do justice, either to the good humour or the ingenuity of our author, if we did not state that his knowledge of this Philemon, of whom some curious particulars might have been drawn from the thirteenth book of Athenæus, appears to be precisely equal to the acquaintance of any Londoner with the many Duncan Campbells and Donald Mackenzies, who are from time to time reported in the newspapers to have reached the same 'very advanced age of one hundred and one years,' in our Western Islands.

We cannot take leave of the preface, without noticing what we think a faulty and injudicious arrangement. It contains many things that would have appeared more properly in the notes, which, on the other hand, abound with matter more naturally belonging to the subject of the Preface. For example, in p. 73, we meet with the following lines.

'Farewell to wine—or if thou bid me sip,
Present the cup more honour'd from thy lip;
Poured by thy hand to rosy draughts I fly,
And cast away my stern sobriety;
For as I drink, soft raptures tell my soul
That lovely Caroline hath kiss'd the bowl.'

The life of Agathias, the author of them, is touched upon in the preface, p. xxv. An excellent illustration of the poem is inserted in the notes, from Achilles Tatius, p. 150.

'When we were all assembled again at supper, the cup-bearer furnished us with a new artifice of love; for in pouring out wine to Leucippe and myself, he changed our cups; and I, observing that part of the cup where her lips had been, drank from the same side, and pleased myself with the image of a kiss; which Leucippe seeing, did the same; and the kind cup-bearer frequently employing the same stratagem to favour us, we consumed the whole evening in pledging each other with these fanciful kisses.'

After all this, the parallel song of Ben Jonson is introduced at p. iv. of the preface. The chronological position of the poems, according to the era of their respective authors (which is, however, extremely incorrect), we also disapprove, and should have thought the form much more attractive, had they been ranged according to their subjects, and all the observations connected with them laid before the reader in the same page, while the preface might have been more advantageously confined to the literary history of the collections.

A 'Prologue' follows, in which the two obvious metaphor of a 'wreath of flowers,' already woefully jaded in the preface, is absolutely ridden to death. In its last moments, it undergoes a sudden transformation from a garland of flowers woven into a chaplet, to a transplanted exotic.

> 'For zephyrs soft that fanned thy youth,
> How wilt thou meet the *gale uncouth?*
> Torn from a genial summer's smile,
> How wilt thou bear a northern isle?
> Far from thy home and native sky,
> *Meek stranger*, wilt thou live or die?'

We now come to the translations themselves. The first place is justly assigned to Meleager; and four of the five epigrams ascribed to him, which are here translated, appear to us extremely beautiful compositions, and are translated with the greatest felicity. We extract the second, in which we take the liberty of restoring the Greek name to the lady, who has been deprived of it in the translation, p. 4.

> 'Sea-wandering barks that o'er the Ægæan sail,
> With pennants streaming to the northern gale,
> If in your course the Coan strand you reach,
> And see my Phania musing on the beach,
> With eye intent upon the placid sea,
> And constant heart that only beats for me,
> Tell my sweet mistress, that for her I haste
> To greet her, landing from the watery waste.
> Go, heralds of my soul! to Phania's ear,
> In all your shrouds the tender accents bear!
> Great Jove shall calm with smiles the wave below,
> And bid for you the softest breezes blow.'

We should have wished to present our readers with the third specimen from Meleager; but we cannot here replace the real name without considerable alteration; and we must decline all share in a practice which our judgment condemns as very strange and unwarrantable. We are fairly warned in the preface, that *our* proper names are substituted for the original Greek, for the purpose of giving an air of familiarity to the translated poems;

and a list is added of such Grecian appellatives as are thought least compatible with the harmony of English verse. In answer to this, we would observe, that where a real character is the subject addressed, there is an indispensable historical necessity for adhering to the real name; but even where a fanciful passion and a fictitious person are described, we are of opinion, that if a change is to be made, the *costume* ought at any rate to be so far respected, that no English names should be substituted that are not of Greek origin. When Erinne laments the death of a virtuous companion, we confess our disappointment at finding that the adopted name of 'Julia' makes it possible to confound her with the abandoned daughter of Augustus. There are many English names naturalized from the Greek, and thence much more in unison with a Grecian subject, as well as more harmonious, than Rosa, Rosalind, and Eliza. We should be loath to object to the celebration of Janet, a lively countrywoman of our own, we presume, who has captivated our author, in a tour to the Highlands, with the national graces of rosy arms, sandy hair, and far-projecting cheeks. But we should have thought ourselves unworthy the trust reposed in us, as magistrates in the literary commonwealth, had we not made strict inquiries touching one 'Thyrza's' right of settlement in English poetry. Τις; πόθεν; What certificate has she of honourable service elsewhere, and what claim to a favourable reception here? Why does she impose her harsh title upon us as one of '*our* proper names?' and how can such a sound make verse more familiar and harmonious to our ears? After much fruitless search after her birth, parentage, connexion, and former settlement, we found the lady's fame recorded in 'the Death of Abel,' as the daughter and daughter-in-law of our first parents, the wife and sister of their eldest son;—a very useful and deserving character, by Mr Gesner's account, though somewhat too much addicted to sermonizing. But, when all our sympathy is excited for Meleager's Heliodora, on what principle of justice are our starting tears to be intercepted, and sprinkled over the grave of Cain's wife?

Of all the minor poets of Greece, none appears to have possessed more genius or a finer style of writing than Simonides; nor do we know of any poem, in any language, more pathetic and interesting than his beautiful fragment, the Complaint of Danaë. Jortin's spirited translation of it into Latin is well known. The late Dr Warton gave circulation to a still more charming paraphrase, by the present venerable Archbishop of York, by inserting it in the 89th paper of the Adventurer; and it will be found in the second volume of the Musæ Etonenses, admirably executed in hendecasyllables. The work before us

contains the only attempt we have ever seen to render it into English verse; and we cannot say that it conveys an adequate idea of the extreme tenderness and delicacy of the original. That closeness of translation, which has been generally aimed at throughout this volume, is violated without necessity in one sentence.

εἰ δέ τοι δεινὸν τογὶ δεινὸν ἦν,
καὶ κέν ἰμὰν ῥῆμάτων λιτῇσιν
ὑπήκοις ἦας· κέλομαί σ᾽ εὕδειν βρέφος.

There can be no doubt that the above is the true reading, and the proper punctuation. The sense is, 'If thou knewest the extent of our calamity, thou wouldst have at least inclined thine ear to my lamentations—I command thee sleep, my child.'—which has very little resemblance to the slovenly couplet—

'But couldst thou feel *what I deplore*,
Then would I bid thee sleep *the more*.'

The translation of Simonides's noble epitaph on Megistias the soothsayer, who perished with Leonidas at the pass of Thermopylæ, is in a far higher strain.

'This tomb records Megistias' honoured name,
Who boldly fighting in the ranks of Fame
Fell by the Persians near Sperchius' tide.
Both past and future well the prophet knew,
And yet, tho' death was open to his view,
He chose to perish at his general's side.' p. 22.

The expulsion of the son of Pisistratus, and the consequent establishment of a democracy at Athens, are events so interesting in Grecian history, that we shall not scruple to insert the best of the two translations here given, of the celebrated Scholium of Callistratus.

'In myrtle my sword will I wreath,
Like our patriots, the noble and brave,
Who devoted the tyrant to death,
And to Athens equality gave!

Lov'd Harmodius, thou never shalt die!
The poets exultingly tell,
That thine is the fulness of joy,
Where Achilles and Diomed dwell.

In myrtle my sword will I wreath,
Like our patriots, the noble and brave,
Who devoted Hipparchus to death,
And buried his pride in the grave.

At the altar the tyrant they seiz'd,
While Minerva he vainly implor'd,

And the goddess of Wisdom was pleas'd
With the victim of Liberty's sword.

May your bliss be immortal on high,
Among men as your glory shall be;
Ye doom'd the usurper to die,
And bade our dear country be free!' p. 25.

We do not see the necessity for introducing, in a note on this ode, all the foolish tales put together by the later Greek writers, and collected by Bayle, on the subject of the fabulous island of Achillea. They cannot go far to illustrate a poem composed ten centuries before they were invented. The elysium of Homer, and the νησοι μακαρων of Callistratus, are totally different from the Achillea of Maximus Tyrius and Arrian. Their bold and general sketches are disgraced by no poor *minutiæ* of enjoyment, but may be filled up by every imagination, according to its own best conceptions of future happiness. We trust the beauty of the following lines will plead our excuse for transcribing so long a passage from Pope's Odyssey. They are in the 4th book, line 760.

'But, oh beloved of Heaven! reserved to thee
A happier lot the smiling fates decree.
Free from that law, beneath whose mortal sway
Matter is changed, and varying forms decay,
Elysium shall be thine; the blissful plains
Of utmost earth, where Rhadamanthus reigns.
Joys ever young, unmixed with pain or fear,
Fill the wide circle of the eternal year:
Stern winter smiles on that auspicious clime:
The fields are florid with unfading prime:
From the bleak pole no winds inclement blow,
Mould the round hail, or flake the fleecy snow;
But from the breezy deep the blast inhale
The fragrant murmurs of the western gale.'

The beautiful idyll of Moschus appears with great advantage in an English dress.

'O'er the smooth main when scarce a zephyr blows
To break the dark blue ocean's deep repose,
I seek the calmness of the breathing shore,
Delighted with the fields and woods no more.
But when, white foaming, heave the deeps on high,
Swells the black storm, and mingles sea with sky,
Trembling, I fly the wild tempestuous strand,
And seek the close recesses of the land.
Sweet are the sounds that murmur thro' the wood,
While roaring storms upheave the dang'rous flood;
Then, if the winds more fiercely howl, they rouse
But sweeter music in the pine's tall boughs.

Hard is the life the weary fisher finds
Who trusts his floating mansion to the winds,
Whose daily food the fickle sea maintains,
Unchanging labour, and uncertain gains.
Be mine soft sleep, beneath the spreading shade
Of some broad leafy plane inglorious laid,
Lull'd by a fountain's fall, that, murmuring near,
Sooths, not alarms, the toil-worn labourer's ear.' p. 36.

There is much nature and tenderness in the following stanzas, which are turned, very freely in point of language, but with perfect fidelity to the sentiment, from six lines by Antipater.

'See yonder blushing vine-tree grow
And clasp a dry and wither'd plane,
And round its youthful tendrils throw,
A shelter from the winds and rain.

That sapless trunk in former time
Gave covert from the noontide blaze,
And taught the infant shoot to climb
That now the pious debt repays.

And thus, kind powers, a partner give
To share in my prosperity;
Hang on my strength while yet I live,
And do me honour when I die.' p. 42.

The following epigram was probably inscribed on some emblematical device, representing the two adverse powers to whom it is addressed.

'All hail, Remembrance and Forgetfulness!
Trace Memory, trace whate'er is sweet or kind.
When friends forsake us, or misfortunes press,
Oblivion! rase the record from our mind.' p. 78.

Our readers must not give all the Greek epigrammatists credit for so natural a turn of thinking as these extracts have displayed; or rather perhaps the notions of chivalrous admiration, which are not yet quite obliterated, may condemn, as too natural, the blunt memento of this inharmonious couplet.

'Virgin! we shall be dust alone,
On the sad shores of Acheron.'

The following hint is also somewhat too broad for the artificial manners of our times.

''Twere wise no more to seek a lover,
But think at last *of dying*.'

There is something singular in the phraseology, at least, in which Paul the Silentiary (who does appear to have had some poetical talent) is made to observe, that his daughter, whose death he is lamenting,

'*United*, in her short career,
The fruit of age, of youth the rose.'

But what will our readers think of the high spirit of the Alexandrian Palladas, who obviously suspected that the sun shone purely for the purpose of insulting him, and resents the impertinence of being so stared in the face?

'The god of radiance, from his gorgeous throne,
Cloth'd in perennial glory, pours the day;
But if insulting on our orb he shone,
May darkness hide me from his *loathsome ray!*' p. 79.

This extravagance is amply compensated by the tameness of another epigram in the same page, which is far duller than the very dull original.

'This life a theatre we well may call,
Where every actor must perform with art;
Or laugh it through, and make a farce of all,
Or learn to play with grace his tragic part.'

The translator has thought it worth his while to present us with several of the Grecian jokes upon long noses. The caricature is sometimes strong enough to excite a laugh.

'Dick cannot wipe his nostrils if he pleases;
(So long his nose is, and his arms so short;)
Nor ever cries "God bless me" when he sneezes;
—He cannot hear so *distant* a report.' p. 64.

The Emperor Trajan could indulge in these innocent absurdities, as appears from an epigram, which may be thus literally done into English. 'Placing your nose opposite to the sun, and opening your mouth, you will show the hour to all passengers;' which ingenious idea is laboriously expanded into eight lines.

'Let Dick some summer's day expose
Before the sun his monstrous nose,
And stretch his giant mouth to cause
Its shade to fall upon his jaws:
With nose so long, and mouth so wide,
And those twelve grinders side by side,
Dick, with a very little trial,
Would make an excellent sun-dial.' p. 145.

We are informed, too, without the least reason for supposing it, that the object of this imperial witticism was one of Trajan's *courtiers*. We wonder that the compliment of a poetical translation was not thought due to the best joke on the subject, in which Castor's nose is said to be in itself all the useful instruments in the affairs of life—a spade, a trumpet, an anchor, a pot-hook, &c.

The curious physiological observation recorded in the verses of Democharis on the portrait of Sappho, is quite lost in the

'Bright smiles, and lip's nectareous dews,
Trembling with *love*, and *glistening* with *the muse.*'

The original author only asserts, that the 'flesh of her moist and merry face indicates Venus mingled with the muse.' We should have been better satisfied, if these mental qualities had been more distinctly referred to their visible representatives: many interesting secrets might be unveiled, and much superfluous confession spared, if we were once enabled to ascertain whether the moisture of a lady's countenance proved her to be born a poetess, or was an evidence of her being actually in love.

Some of the other poems may perhaps be thought unworthy of a place in such a collection; and, in a very few instances, we may be inclined to doubt whether complete justice has been done to the original. Upon the whole, however, we are certain that few Greek authors have less right to complain of the mode in which their works are represented in our language; and their manes ought to feel no common gratitude for the pious care which has been bestowed upon their relics. Some additions, however, might fairly be admitted, and, as we before hinted, a far more convenient arrangement might easily be made. We would recommend, in particular, the translation of a greater number of those poems which relate to the public affairs of Greece, and a disquisition on what might be called the Political Poetry of the several states. Most of the fragments on that subject are written with very great spirit; and we are persuaded that they would throw considerable light on the history of the most important events. A more frequent resort to the Δειπνοσοφισται of Athenæus, would also be of great service in illustrating the ancient state of manners, in many points which the editor has left in want of explanation.

After the translations and the notes, a few original poems are introduced, and some translations from Horace. Some fine verses are thrown away upon the schoolboy subject of Paris and Œnone; but the longest of these productions is called 'The Abbot of Dol, a legendary tale.' We were not a little surprised at finding attached to an Attic edifice this Gothic appendage, which is not free from the puerilities which distinguish that style, though some parts are forcibly conceived and executed. The other poems have also considerable merit; and prove, that when the author has acquired that perfect facility of expression which habit never fails to confer where a talent for poetical composition really exists, his powers will be equal to higher efforts than a translation from the Greek anthology.

ART. V. *A Voyage round the World in the years* 1800, 1801, 1802, 1803, *and* 1804; *in which the Author visited the principal Islands in the Pacific Ocean, and the English Settlements of Port Jackson and Norfolk Island.* By JOHN TURNBULL. 3 vols. 8vo. pp. 715. London, 1805. Phillips.

THE islands of the South Sea, which, soon after their discovery, and during the happily uninteresting state of European affairs, excited so much attention, have, for many years, been almost altogether overlooked in this part of the world. Yet it is obvious that the discovery of new tribes, and the first accounts of manners formerly unknown, are by no means more interesting, than the subsequent history of those tribes, and the changes which rapidly take place in their manners. The greatest obligations, therefore, are conferred upon us by those adventurous persons, who having visited these islands of late years, give such statements of what they saw, as enable us to trace the progress of society in one of its earliest stages, and to estimate the effects produced by the sudden revolution in their circumstances, which the natives have experienced from their intercourse with Europeans. We have seldom been more gratified, than with the addition which these volumes make, in this point of view, to our knowledge of distant countries. Admitting, what is always to be presumed, unless there is internal evidence of the contrary, that the publication is authentic, and that Mr Turnbull is what he describes himself, we look upon his work as one of the most interesting books of travel which have appeared for many years.

We cannot help, at the same time, expressing our suspicions, that Mr Turnbull has followed a fashion too prevalent among travellers of the present day; and instead of speaking to us himself, employed some literary friend to speak for him. Although this practice must always diminish the interest of a narrative, and may frequently affect its correctness, we are sufficiently well aware of its necessity, in some cases, to condemn it indiscriminately; and are content, if we cannot hear an adventurer's tale from himself, to receive it from second hand. But, then, there must be nothing else than the fairest dealing in all this transaction. We must know the writer's name, as well as the traveller's. We must have the responsibility resting wholly upon known persons, and not shared between one who appears, and another who lurks. Above all, we must not see the writer so entirely confounded with the traveller, as to deceive us respecting their separate existence. Now, if, as we suspect, Mr Turnbull did not compose his book, he should have desired his author to say so

fairly, and not allowed him to apologize (Preface p. vii.) for the faults of his style, on the score of his being a seaman. It may be asked, on what we found our suspicions of the book having being made by one man, and the voyage by another. We reply, by turning to the first sentence; which is not in the least degree written in the style of people who live by handling sails and pulling ropes.

'There are few dangers, and still fewer difficulties, which can deter men of enterprise from any pursuit which they consider as the means of independence. If the colder moralist, in his abstract reasoning, brand this desire with the name of a pernicious avidity, the practical philosopher, tempering the conclusions of his reason by the modes of life, considers it in a more favourable point of view, hailing it as the grand moving impulse of commerce, and effectually the means of improving the whole condition of life.' I. 1, 2.

Nor do sailors reflect upon trade after the following manner:

'Industry is here the certain means of fortune. There is commerce suited to every kind of capital, and a certain and profitable market for all produce and minor manufactures. Hence independence; and hence (is it not needless to mention a result so inevitable?) —cheerfulness, self-esteem, and social affection.' I. 36.

Nor yet do shipwrecked mariners, and unsuccessful dealers in piece goods, moralize in such strains as these:

'It is a precept, as good in commerce as in theoretic philosophy, to make the best of ill fortune, and, where we cannot get all that we had hoped, to spare no efforts to get all that we can. If there is seldom any good so perfect as not to have its alloy of ill, so is there as seldom any disappointment so complete as to leave no nook of hope. It is a lesson that I have learned from experience, that if half the time and natural vigour which is usually consumed in lamenting a misfortune, was more wisely employed in seeking a remedy, there are few disappointments which will not admit of alleviation.' I. 40, 41.

And we may add, as one other instance, that a sailor would certainly have compared the Otaheite streamers to an object the most familiar to him (the dog-vane), in preference to the tail of a boy's kite, which is not nearly so like, (III. 45.) It is but fair to add, however, that the style of this book is, in general, extremely free from faults;—it is plain, neat, and not incorrect;—frequently so full of naïveté, as to give us an idea of the real traveller having written parts of it,—and, at all events, so perspicuous, and so little abounding in high-wrought passages, that it conveys a very favourable idea of the author's talents for this kind of writing. The foregoing remarks are made, rather with the view of fixing the credit due to the narrative, than of objecting to the execution of a book so valuable in itself. For the same reason, we must be allowed to add a wish, that the author

had mentioned in what form the materials were conveyed,—whether, for example, a journal was kept, and, if kept, how it survived the loss of the vessel, and other misfortunes in Otaheite. Lastly, we have no objection to the retrenchment of log-book extracts; but we rather like to see a few longitudes, latitudes, and dates, in works of this nature, if it were merely to keep the narrator in his right course; and, on some occasions, we shall afterwards have to show, how prejudicial the plan of totally omitting such particulars has proved. Having premised these general hints, we shall now wave our suspicions, of whatever nature; and, supposing that the writer and traveller are the same person, we shall attend Mr Turnbull on his interesting and adventurous enterprise.

The two first mates of the Barwell having observed, in 1799, how lucrative a trade was carried on by the Americans to the north-west of China, they persuaded some mercantile men in London to embark in this speculation, and were appointed to superintend its execution. They were sent out in a good ship, with considerable shares in the cargo. Mr Turnbull was second in command, and had charge of the trading part of the adventure.

The prevalence of southerly winds obliged them to bear up for St Salvador. This first voyage afforded nothing very interesting to their attention. At Madeira, indeed, Mr Turnbull's patriotic avarice, in which he rather exceeds the common run of travellers, broke out. He 'could not but indulge a wish' that this island, and the neighbouring one of Porto Santo, were made British property, should a war break out with Portugal. He adds the following very curious remarks: 'If England is in want of any colony, it is one where the industry of our countrymen might cultivate the grape. Indeed, our haughty neighbours have long observed, that, notwithstanding all our vast foreign settlements, we do not possess one island where the grape is successfully cultivated.' At Brazil he is still more anxious to see the British power established; and hints, in very intelligible language, that so fine a settlement should at all events be seized hold of.

During their stay in Bahia, they were not very courteously treated by the viceroy; and, on leaving it, they were detained some time on the coast. This delay, however, gave them 'the satisfaction of making some return for the governor's incivility, by chasing as many Portuguese vessels as fell in their way;' of which satisfaction, the consequences will not be very pleasant to the next English adventurers who may touch at San Salvador. After a pleasant voyage to the Cape, and a short stay there, they proceeded to New Holland; and, steering for Bankes's Straits,

arrived safely at Port Jackson, by that very unusual route. Here it was resolved, that Mr Turnbull should remain to dispose of the cargo, while the captain proceeded in the vessel on the north-west speculation. During his residence at this time, as well as afterwards on his return from the Sandwich and Society Islands, he had an opportunity of picking up a good deal of information relative to the state of things in this new settlement. But his account does not materially augment the stock of knowledge already in circulation upon this subject. The following extract contains the substance of his observations on the change which our intercourse with the New Hollanders has produced. Though not altogether new, it is amusing.

'These aboriginal inhabitants of this distant region are indeed beyond comparison the most barbarous on the surface of the globe. The residence of Europeans has here been wholly ineffectual; the natives are still in the same state as at our first settlement. Every day are men and women to be seen in the streets of Sydney and Paramatta, naked as in the moment of their birth. In vain have the more humane of the officers of the colony endeavoured to improve their condition: they still persist in the enjoyment of their ease and liberty in their own way, and turn a deaf ear to any advice upon this subject.

'Is this to be imputed to a greater portion of natural stupidity than usually falls to the lot even of savages? By no means. If an accurate observation, and a quick perception of the ridiculous, be admitted as a proof of natural talents, the natives of New South Wales are by no means deficient. Their mimicking of the oddities, dress, walk, gait, and looks, of all the Europeans whom they have seen, from the time of governor Phillips downwards, is so exact, as to be a kind of historic register of their several actions and characters. Governor Phillips and Colonel Gross they imitate to the life. And to this day, if there be any thing peculiar in any of our countrymen, officers in the corps, or even of the convicts; any cast of the eye or hobble in the gait; any trip, or strut, stammering or thick speaking, they catch it in the moment, and represent it in a manner which renders it impossible not to recognise the original. They are, moreover, great proficients in the language and Newgate slang of the convicts; and, in case of any quarrel, are by no means unequal to them in the exchange of abuse.

'But this is the sum-total of their acquisitions from European intercourse. In every other respect, they appear incapable of any improvement, or even change. They are still as unprotected as ever against the inclemencies of weather, and the vicissitudes of plenty and absolute famine, the natural evils of a savage life. In their persons they are meagre to a proverb; their skins are scarified in every part with shells, and their faces besmeared with shell-lime and red gum; their hair is matted with a moss, and, what they call ornamented, with sharks' teeth; and a piece of wood, like a skewer, is fixed in the car-

tilages of the nose. In a word, they compose altogether the most loathsome and disgusting tribe on the surface of the globe.' I. 62–64.

Respecting the impolicy of our economical administration, or police, in the colony, some valuable facts are stated by Mr Turnbull, whose authority is the less suspicious, that he uniformly gives them as topics of commendation, unless when the measures of government press too close on his own mercantile speculations. Our readers are probably aware, that the price of almost every article is fixed by the governor of the settlement, against whom, it is by no means foreign to the present purpose to observe, there is always a strong party in that very factious community. Mr Turnbull admits, that the best-informed inhabitants impute, to the erroneous settlement of prices, the scarcity * of animal food which prevails, in a colony so well adapted to the breeding of cattle. (I. 58.) In like manner, when the growers of provisions complained that the price fixed was too low in proportion to the rate of wages, the wisdom of the governor forthwith applied the remedy of lowering, by edict, the price of labour, both for free men and convicts; and settling, at the same time, the very hours of the day during which they were to work, or the quantity of work, if the agreement were made by the piece. The consequence of such folly has been, that the regulation is generally set at nought, and, in some instances, produces great oppression, (III. 160.)

Were the population in any degree dependent on emigration from the mother country, it would be stopped by those laws. Still more strict are the rules for *keeping down* the exorbitant profits of monopolizers and retailers; against whom, both the governor in his edicts, and Mr Turnbull in citing them, complain in a moving manner. But they are all, he says, rendered nugatory by the insatiable avarice of those men, who frequently take above 100 *per cent.* profit, while his honour the governor is denouncing vengeance against such as shall presume to take more than 20. (III. 179.) To prevent this evil, government has sent out cargoes under commissaries, who sell at a fixed rate. (III. 190.) And the probable effects of this policy are exemplified by Mr Turnbull in another part of his work, though he praises it highly in the last quoted passage; for we find him driven away from Port Jackson with his cargo by the total stagnation of trade, which a large government investment produced in a market at any rate very dull; and on his attempting the market of Norfolk Island, he was again beaten by a part of the same investment, which was selling off at a reduced rate. (I. 88.) We presume,

* He calls it *dearth*, but evidently means scarcity; for the complaint is, that the fixed price is much too low.

therefore, that unless government intends to have all the trade of the colony, and is resolved to supply it fully and cheaply, it must leave the thing alone, otherwise it will certainly prevent the regular traffic of private adventurers. The encouragement given to the sugar cane, under all these circumstances, seems very ill placed. A cow (worth 30*l.*) is promised to the first settler who shall raise five cwt. of sugar. (I. 98.) From these censures, considering the peculiar character of the population, we are disposed to exempt the strict prohibition of distilleries. But if this measure is, as we apprehend must be admitted, a wise one, what shall we say of the policy of forcing the sugar culture, which, without a great distillation, never can go on; and this at the very time when the prohibition of common distilleries has raised the love of spirits, all over the settlement, to a kind of madness?

Such are the blunders, of your *sound, solid, practical* men, who contemn all general principles, and either laugh at political philosophy in the mass, or still more foolishly admit, evidently without comprehending, its leading positions, and then rebel against every particular application of them. Those wise persons are the first to praise the freedom of trade. Upon all occasions, the 'celebrated Dr Adam Smith' is a term perpetually in their mouths: they will quote you whole paragraphs from 'his immortal work:' but let there occur an opportunity of applying them, as there do hourly occur many, and they make sad work indeed. Every thing is now 'an instance to which his principles, however just in the main, do not apply.' He is found out not to have had this case in his view; or he is even admitted, if the occasion requires, to have been 'an author' and 'a speculative man;' and his opinions cannot be safely 'used without modifications.' So that the rules are all excellent, but every case is an exception; and the principles, even when acknowledged in the abstract, are frittered down absolutely to nothing in the application. As Botany Bay is probably the least favourable instance which can be found for the theory, from the necessary admixture of discipline which prevails in a society so unnaturally constructed, we have thought it useful to dwell upon the foregoing particulars, longer than their real importance may seem to merit. We shall leave this part of the book, with expressing our regret at the various symptoms of bad government and false policy observable in all the best accounts of this settlement—lamenting the little care which seems to have been shown in the important matter of chusing office-bearers for an establishment on the opposite side of the globe—and mortified at the ignorance which appears in the system laid down for a colony planted towards the end of the eighteenth century.

After residing for ten months in Norfolk island, Mr Turnbull received the disagreeable intelligence that the North-West speculation had entirely failed, and that the Captain had returned to Port Jackson with the vessel, resolved to engage in the seal-fishery for the Chinese market, as the East India Company's license obliged them to touch at China during their voyage. They accordingly landed a company of men skilled in the fishery, in Bass's Straits, and were then obliged to bear away for the Society Islands, in order to procure a stock of provisions, the colonies being utterly unable to furnish them with the smallest supply at any price. The melancholy employment of our adventurers, during the whole of their remaining voyages, was to seek for this supply of food; and, in the course of their wanderings, they seem to have suffered as many crosses, hardships, and misfortunes, as usually befal the least fortunate navigators.

The first island that they made was Maitia, where they did not remain long, but proceeded to Otaheite. This unfortunate spot they found involved in a most obstinate and desolating war, occasioned by the tyrannical conduct of a family which had usurped the sovereignty, by the assistance of a few English convicts. Partly from this circumstance, the stock of provisions was very scanty, and nothing could induce the natives to barter it, but the offer of arms and ammunition, now become the only objects of any exchangeable value indeed, all over this part of the South Seas. Our readers will recollect, that in the good old times of Cook and King, a few red feathers would open all the treasures, nay, buy all the crowns of these little realms. At Otaheite, the navigators were received with great kindness by the missionaries, and by Pomarrie, the regent, or late king; who, according to the law of those parts, had retired from the sovereignty, on the birth of his son Otoo, the reigning monarch. These potentates asked many questions about their royal brother in England;—'Was he a larger man?—Had he a comely countenance?—Was his dress elegant?' The queen and her suite were equally inquisitive about her Majesty, and the ladies of our court; and being satisfied on these points, proceeded to exercise their vocation of pilfering, drinking, and intriguing with the crew. The want of hogs and breadfruit, however, drove our adventurers to other islands; and after touching in the same manner at Huaheine, they reached Ulitea. Here they encountered a great danger. Some bad subjects, whom they had hired at Botany Bay, deserted, and conspired with the natives, who are of a more treacherous and cruel disposition than those of Otaheite, to cut the ship's cables—let her drift on the reef, and then murder the crew, and plunder the vessel. This plot had almost succeeded. The cables being

cut, nothing but a very lucky calm kept the ship from being wrecked. The natives on the shore were worked up to a pitch of inconceivable fury, at seeing their project likely to miscarry, and began a terrible attack from all points, with musketry and stones. The guns of the vessel did but little execution, and she must inevitably have been taken, had not a breeze sprung up and carried her out at the moment when all hopes had been given up. We are forcibly struck, in reading all these South Sea voyages, with the difficulty of preventing desertion. The women, climate, but, above all, the indolence in which the natives live, are seductions which our seamen can scarcely be forced, by any discipline, to resist; and as they operate most peculiarly on convicts from our settlements in New Holland, no consideration should ever persuade navigators to take in recruits at those places.

After calling in vain at several other places, Mr Turnbull and his companions left the Society islands, and steered for the Sandwich islands in pursuit of salt. His account of these is peculiarly agreeable, because it furnishes the only instance in his book, of an intercourse with Europeans having contributed to the happiness of the rude natives. The particulars of this we shall afterwards state: at present we may remark, that a very interesting account is given of the unfortunate King of Attowaie, and of his successful enemy the King of Owhyhee. The latter, whose name is Tamahama, and who is represented as a prince of singular abilities, having overrun many of the settlements in his neighbourhood, had resolved to conquer Attowaie also; and the King of that island, who is adored by his people, and described as every way worthy of a better fate, was, at Mr Turnbull's arrival, on the eve of being attacked, without any chance of making an effectual resistance. He had resolved, in this hopeless situation, to abandon his country; and with such of his followers as could leave it also, he purposed to escape in a vessel which he had already prepared, by the aid of some Europeans settled there. His intention was to seek a new and safe retreat from the ambitious enemy; and Mr Turnbull justly remarks, that, romantic as such schemes may appear, most of the islands in the South Sea owe their population to similar enterprises. The amiable character and misfortunes of this chief, seem to have made a lasting impression on our author; and even the sailors of his ship were greatly affected by his situation. If we had room for extracts merely entertaining to our readers, and creditable to the writer, we should willingly give a large portion of this part of the narrative.

After visiting Owhyhee, the most important of the Windward Sandwich islands, our navigators resolved to return, and for this

purpose steered towards Otaheite. In the course of the voyage, they fell in with several low islands, some of which had never before been visited by Europeans. This, we must observe in passing, is a very unsatisfactory manner of describing a newly discovered country. In fact, no one, from reading the notices given of these islands, could possibly guess within many degrees whereabouts they are situated. They are alluded to, rather than mentioned, one after another, without longitude or latitude, or even any notice of the number of days' sailing which it took to reach them, from any known points. One of them, too, is worth knowing something about. It is inhabited, and standing in the middle of the Pacific Ocean. Yet Mr Turnbull assures us, its greatest height above the level of the sea is only six feet; in which case the natives must, beyond all doubt, be considerably more amphibious than most other men, even in those parts of the world.

Several of these new islands have lagoons of some extent in the centre, communicating with the sea by very narrow necks, through which the tide ebbs and flows with prodigious force. This sight awakened the piety of our navigators, though we cannot precisely discern on what grounds. 'These lagoon islands,' Mr Turnbull observes, 'are most striking instances of the infinite power and wisdom of the Great Architect of the Universe; who has so arranged its materials that the sea should be forced from its proper bed, to make room for the elevation of a narrow barrier to enclose these portions of the deep.' And the prospect of such 'curious spots' so strongly affected our author, that 'while waiting for his people who had gone up the country,' he 'involuntarily uttered a kind of inward ejaculation,' which proves to be the celebrated exclamation of the Psalmist, on surveying the whole glories of the universe. Indeed, we may upon this occasion remark, that Mr Turnbull is by no means one of those who, 'imbued with no fear, can view the sun, and stars, and the seasons changing, at certain moments.' On the contrary, very little astonishes him. The sea, it appears, is extremely shallow near the Lagoon islands of which we have been talking. Wherefore, Mr Turnbull 'cannot but observe, that had it pleased the Great Architect of Nature, in the plan of creation, to have raised this part of the world but a *few hundred fathoms* from its present level,'—what would have happened? Why, truly, something that a man shall guess, without sailing round the world,—'we should, *most probably*, have been furnished with countries of vast extent, and islands innumerable, which at present lie below the sea.' (II. 111.) In another part of his work, Mr Turnbull's piety, though certainly very amiable, is not altogether judicious. He is speaking of the bounty of nature, and he ob-

serves, that 'nature, who is a kind parent to all her children, has in Otaheite so mingled her bitters with her sweets, that the lot of the Otaheitans is not superior to the rest of the world.' And he proceeds to show that they are most lamentably inferior to other nations in all the essentials of happiness, especially to the English. (III. 78.)

On returning to Otaheite, hogs were found to be still scarce; and it was resolved that the captain should go with the vessel to some of the other islands of the cluster, while Mr Turnbull remained to superintend the salting business. This residence gave him new occasions of studying the manners and character of the natives; for the ship, instead of three weeks (her intended absence), was missing two months; and then the crew arrived in a punt, which they had contrived to build of the ship's materials, having been wrecked about a fortnight after their departure. They had suffered greatly, both from hunger, and from the bad conduct of the natives. On their sorrowful return, their misfortunes, though extreme, had not produced any very edifying effects among them. They behaved in the most mutinous and quarrelsome manner, both to the officers and to one another. Of the whole crew, only the cook remained united to the officers, and resolved to return home if possible. His professional skill, indeed, was of very little service; for they had been so plundered, both by their own men and the natives, that they could scarcely obtain the necessaries of life; and all idea of attempting to build a raft or vessel which might facilitate their escape, was of course out of the question.

In this forlorn situation they remained for three months, when the only event happened which could give them any hopes of relief. A sail appeared. It proved to be an English vessel, and bound for Port Jackson. They obtained a passage; and, 'in their present situation, laying aside all indignation at the conduct of their shipmates, divided their little remaining property among them,' and set sail. Touching at the Friendly islands, with the natives of which they had some intercourse, they arrived in New Holland for the second time, after an absence of two years, and took a passage in a vessel bound for England, which they reached after an absence of four years and thirty-one days.

Mr Turnbull's residence among the natives of the Society islands, and his visits to the Sandwich and Friendly islands, gave him an opportunity of observing, with great advantage, the distinctive peculiarities in their character and customs, which it is the more interesting to ascertain, and to note the effects which have been produced on all of them by their intercourse with Europeans during late years. We shall therefore collect into one

point of view the particulars illustrative of these subjects, which are scattered in considerable abundance over different parts of his work.

Of all the islands in the South Sea, the inhabitants of the Sandwich group are the most favoured in natural talents, and the most advanced in the useful arts of life. The natives of Otaheite excel the Sandwich islanders in one manufacture only, that of cloth. In every thing else, the latter are superior. Those of the Friendly Islands are between the other two. The character of the natives of Otaheite is a singular mixture of the qualities inseparable from savage life,—and some of the vices, as well as accomplishments, hitherto deemed peculiar to more civilized society. They are fond of blood in their wars, almost to fury. In their feasts, the love of intoxicating liquors rises to a degree of insanity; and the effects of drunkenness are proportionally violent. Their chiefs and priests delight in human sacrifices. Thieving, and every other modification of cunning, is universally practised. Nay, our navigators found that faithlessness was the general characteristic of every transaction in which they were engaged. Yet their ferocity can bend to the dictates of passions, or rather feelings, little known among mere barbarians; and their cunning can assume the appearance of qualities on which polished nations pride themselves. Except in two particular instances, Mr Turnbull never saw any example of unkindness or brutality towards women in the Otaheitans; and these he imputes entirely to the effects of intoxication, (I. 160.) They are also, in their whole intercourse with Europeans, and among themselves, the most consummate flatterers of whom we have ever seen any description. Their manners are so insinuating—the thousand forms of kindness, and even fondness, which they employ to captivate one of whom they have a favour to ask, are so irresistible, that, Mr Turnbull asserts, only one man in his crew could keep his property from them; and he was the armourer, who had been farrier in the army, and was originally bred a blacksmith in Yorkshire. This feature in their character deserves further illustration. It was resolved that all intercourse should proceed through the abovementioned steady and prudent person.

'The natives,' says our author, 'accordingly assaulted him with all the blandishment, and natural endearment, which to minds of benevolence is the most resistless kind of flattery. It was a matter of astonishment to many of us, that the fellow could maintain his purpose. He had one answer, however, for all, that his fire-gun, as they called his bellows, could do nothing, until certain dues were paid; and these, being rather heavy, ridded him gradually of his customers. It was in vain that they made him their Tayo, enveloping him in cloth, and affecting jealousy at his preference of each other; the fellow was inexorable, and

as deaf as his fire-gun. Finding themselves thus disappointed, they now changed their language, calling him *ahow tata, ahow tata ;* " very bad fellow, very bad fellow ; " words they had picked up from former English visitors.

' With the rest of the ship's company, however, the natives had much more success, as each man had his friend or Tayo, who paid his court so assiduously and insinuatingly, as to leave the poor fellows scarcely a rag to wear. On continuing the voyage, almost the whole of our crew were thus obliged to be completely clothed anew ; some of them to content themselves with the cloth of Otaheite.' I. 154, 155.

It is a more amiable quality, but still less usual in savages, which our author ascribes to them, when he says, that during his whole residence in Otaheite he never saw one of the natives lose his temper, except in two cases of intoxication formerly alluded to (III. 27.) Their sexual passions are extremely violent, and carry them to refinements of debauchery scarcely known in more civilized communities. The Arreoys, so often described with wonder by former navigators, are mentioned by our author with suitable reprobation. They seem to be rather on the increase ; and the system of infanticide with which they are connected, seems strangely repugnant to the gentleness of character ascribed to the Otaheitans in other respects. Our author likewise mentions the prevalence of certain propensities still less natural, but chiefly among the chiefs and men of high station. Although the weakness of the female sex does not expose them to contempt in this curious society, insomuch, that they are allowed to govern the country equally with men, (III. 58.) ; yet old age is, probably on this account, singularly despised. ' As worthless as an old man, ' is the common expression for whatever they mean to degrade and vilify, (III. 17.) Their extreme personal cleanliness is another particular in which these islanders differ from most uncivilized tribes ; and, connected with this, is their fondness for the water, in which, indeed, almost all the South Sea natives may be said to spend the greater part of their time, notwithstanding the injury that their health suffers from the indulgence, (III. 55. *& passim.)*

A considerable portion of the traits in their character and manners, on which Mr Turnbull dwells with peculiar emphasis, are perhaps not so exclusively the growth of Otaheite as he may imagine. Indeed, we fancy traces of them might be discovered in other less barbarous forms of society. It is reckoned a sort of profanation in the women to eat with the men, (III. 25.) What follows is perhaps more peculiar to Otaheite—' the women live in the most perfect harmony together, ' *(Ibid.)* The women, we are told, are extremely attentive to dress, spend a great deal of time at the looking-glass, are peculiarly careful in adjusting their

hair, and scarcely appear twice in the same fancy head-dress. (III. 26.) The natives, in general, are singularly partial to their own island, which they believe to be the finest spot in the habitable globe; and they conceive that foreigners only come there to get fat by its good eating, (III. 28.) They excel in mimickry, and delight in laughing at, and taking off, the peculiarities of foreigners, (III. 87.) The king owes a great part of his influence to his being the head of the church, or high priest, (III. 4.) When his eldest son grows up, he shares a great part of his weight in the community, (I. 142.) The royal family generally make a practice of 'throwing their offal to their dependants,' who 'devour it like so many vultures.'—'These fellows' (says our author, in his uncourteous manner) 'possessed great influence over the king,' (III. 57.) The following passages are illustrative of the characters of ministers and courtiers in Otaheite; though we could have wished that Mr Turnbull had not made use of such strong expressions in describing persons of that eminent rank.

'There are no greater thieves in the country than Otoo's attendants. Such are the chief men in the country, and such the priests and governors. The depravity of the common people need be no subject of astonishment, when such is the example of their superiors.' III. 83.

'The common people may be said to possess little or no property; for, should they happen to possess any thing of more than ordinary value, the king seldom fails to hear of it through the medium of the miscreants by whom he is surrounded. The article is then demanded for his use; and it is prudent in the owner to submit. Reluctance is construed into an act of rebellion; and the object thenceforth marked down, and in all probability becomes the next human sacrifice; the common people complain heavily, and with great justice, of these atrocious sycophants, who plunder as often for themselves, as for their master.' III. 66.

We are moreover informed, that they are better at projecting than executing any enterprise or expedition which they undertake, (III. 42.); in which it must be admitted that they greatly differ from more civilized courts, who for the most part plan and execute with equal ability. We know not if there can be traced any analogy in other parts of the world to the following trait in their state policy. With them every thing is an enterprise. A journey to the Mottoes is a grand undertaking, and occupies their thoughts and conversations for many months. An embassy to the neighbouring islands had been in preparation upwards of a year, when our author was there, (III. 42.)

We conceive that Mr Turnbull is too severe in his judgments of King Otoo, whom he accuses of excessive 'stupidity.' The following is all the proof he brings of this charge:

'Very good fellow, very bad fellow, were the plainest words that Otoo could articulate; haremi de rum, bring hither the rum, and a very few others. He would sometimes send to the missionaries for pen, ink, and paper, but used them as a child, making scrawls and scratches. On some occasions I have been sent for to witness his proficiency; but I ever found him more attentive to a book of pictures than to his reading and writing.' III. 97.

The last particular relating to this island, which we shall mention, is the decrease of its population. It is at once melancholy and astonishing. Captain Cook reckoned the number at 100,000. When the Duff arrived, they had fallen to 15,000. And now, by the best accounts of the missionaries, our author cannot estimate them at more than 5000. He asserts that there are ten males to a female; and that this is owing to the natural indolence of the inhabitants, and their practice of murdering female infants, to save the trouble of maintaining them when they grow up. Certain it is, that the unnatural habits and feelings introduced by the Arreoys, must operate greatly to the derangement of the usual structure of society in this respect: and the astonishment expressed by two Otaheitans, whom our author carried with him to New Holland, at seeing so many children in the colony, is no doubt a corroborative evidence, to what an extent infanticide and barrenness prevail in their own island, (III. 16. 125, &c.) It is evidently much more than a superstitious feeling in these islands, to ascribe all the calamities that befal them to the arrival of a European ship.

The Sandwich Islanders form, in almost every respect, a striking contrast to the Otaheitans. Without entering into the details of this difference, we shall only observe, that the intercourse with Europeans has greatly and rapidly advanced them in civilization. Instead of missionaries, who teach them little, partly from their own want of comprehension, and partly from the ignorance of their instructors—or convicts and deserters, who teach them every bad lesson—the natives of Owhyhee have had American traders residing among them for fourteen years; and they have had all the benefits which are frequently conferred on rising communities, by the appearance of one of those great men, who go before their age, and lead, rather than force onward, the progress of society; the name of this singular person is Tamahama; and our author's account of him is by much the most interesting part of his work. We have not room for a long extract; but we conceive, that the insertion of the following passage will convey a more distinct idea of the progress made in civility by those islanders, and of the character of this extraordinary person, than the most elaborate abstract.

'His palace is built after the European style, of brick, and glazed windows, having European and American artificers about him of almost every description. Indeed his own subjects, from their intercourse with Europeans, have acquired a great knowledge of several of the mechanical arts, and have thus enabled him to increase his navy, a very favourite object with him. I have no doubt that, in a very few years, he will erect amongst these islands a power very far from despicable.

'The circumstances of this enterprising chief were greatly changed since the visit of Captain Vancouvre, to whom, as to the servant and representative of the King of Great Britain, with much formality and ceremony, he had made a conveyance of the sovereignty of Owhyhee, in the hopes of being thus more strongly confirmed in his authority, and supplied with the means of resisting his enemies.

'His dominion seems now to be completely established. He is not only a great warrior and politician, but a very acute trader, and a match for any European in driving a bargain. He is well acquainted with the different weights and measures, and the value which all articles ought to bear in exchange with each other; and is ever ready to take the advantage of the necessities of those who apply to him or his people for supplies.

'His subjects have already made considerable progress in civilization; but are held in the most abject submission, as Tamahama is inflexible in punishing all offences which seem to counteract his supreme command.

'It was only in 1792 that Captain Vancouvre laid down the keel of Tamahama's first vessel, or rather craft; but so assiduously has he applied himself to effect his grand and favourite object, the establishment of a naval force, that, at the period of our arrival, he had upwards of twenty vessels of different sizes, from twenty-five to fifty tons; some of them were even copper-bottomed.' III. 58, 59, 60.

If we compare this with the process of civilization carrying on by the Missionaries in Otaheite, we shall at least be enabled to decide which has the greatest success, whatever may be the comparative merits of the intentions on which each plan proceeds. To promote this comparison, is the humble object of the following short extracts.

'It may be satisfactory to the friends of the missionaries to learn, that their prayer-meetings and public ordinances were constantly kept up, the morning and afternoon of every day, and, on Sundays, three times in the day. The natives, however, did not attend.' III. 5.

'The missionaries indeed neglect nothing to render their mission successful. On every Sabbath day, they range the country, two by two, in different directions. But I repeat, that I fear their efforts will, for a long period, be unsuccessful.' III. 8.

After a missionary sermon, which the natives and their king Otoo had attended,

'He asked me, upon the departure of the missionaries, whether it was all true, as they had preached: I replied in the affirmative, that it

was strictly so according to my own belief, and that of all the wiser and better part of my countrymen. He demanded of me where Jehovah lived; I pointed to the heavens. He said he did not believe it. His brother was, if possible, still worse.' III. 10.

The following is the account of the first reception given to these pious men.

'The chiefs encouraged them by saying, that their parrow, or talk, was very good. The high-priest, however, after some attendance, suffered a remark to slip, which explained their secret opinion,—that the missionaries gave them plenty of the word of God, but few axes. They, doubtless, thought that their constant attendance entitled them to presents. It appears to me, that in this respect they have become very little improved.' III. 89.

After this, it must appear not a little singular that our author should recommend the method of missions to the Sandwich Islands.

ART. VI. *The Wanderer of Switzerland, and other Poems.* By JAMES MONTGOMERY. Third Edition. 12mo. pp. 175. London. 1806.

WE took compassion upon Mr Montgomery on his first appearance; conceiving him to be some slender youth of seventeen, intoxicated with weak tea, and the praises of sentimental Ensigns and other provincial literati, and tempted, in that situation, to commit a feeble outrage on the public, of which the recollection would be a sufficient punishment. A third edition, however, is too alarming to be passed over in silence; and though we are perfectly persuaded, that, in less than three years, nobody will know the name of the Wanderer of Switzerland, or of any of the other poems in this collection, still we think ourselves called on to interfere, to prevent, in as far as in us lies, the mischief that may arise from the intermediate prevalence of so distressing an epidemic. It is hard to say what numbers of ingenious youth may be led to expose themselves in public, by the success of this performance, or what addition may be made in a few months to that great sinking fund of bad taste, which is daily wearing down the debt which we have so long owed to the classical writers of antiquity.

After all, we believe it is scarcely possible to sell three editions of a work absolutely without merit; and Mr Montgomery has the merit of smooth versification, blameless morality, and a sort of sickly affectation of delicacy and fine feelings, which is apt to impose on the amiable part of the young and the illiterate. The wonder with us is, how these qualities should still excite any por-

tion of admiration: for there is no mistake more gross or more palpable, than that it requires any extraordinary talents to write tolerable verses upon ordinary subjects. On the contrary, we are persuaded that this is an accomplishment which may be acquired, more certainly and more speedily, than most of those to which the studies of youth are directed, and in which mere industry will always be able to secure a certain degree of excellence. There are few young men who have the slightest tincture of literary ambition, who have not, at some time in their lives, indited middling verses; and, accordingly, in the instructed classes of society, there is nothing more nauseated than middling poetry. The truth is, however, that the diligent readers of poetry, in this country, are by no means instructed. They consist chiefly of young, half-educated women, sickly tradesmen, and enamoured apprentices. To such persons the faculty of composing in rhyme always appears little less than miraculous; and if the verses be tolerably melodious, and contain a sufficient allowance of those exaggerated phrases with which they have become familiar at the playhouse and the circulating library, they have a fair chance of being extolled with unmeasured praises, till supplanted by some newer or more fashionable object of idolatry. These are the true poetical consumers of a community,—the persons who take off editions,—and create a demand for nonsense, which the improved ingenuity of the times can with difficulty supply. It is in the increasing number and luxury of this class of readers, that we must seek for the solution of such a phenomenon as a third edition of the Wanderer of Switzerland, within six months from the appearance of the first. The perishable nature of the celebrity which is derived from this kind of patronage, may be accounted for as easily, from the character and condition of those who confer it. The girls grow up into women, and occupy themselves in suckling their children, or scolding their servants; the tradesmen take to drinking, or to honest industry; and the lovers, when metamorphosed into husbands, lay aside their poetical favourites, with their thin shoes and perfumed handkerchiefs. All of them grow ashamed of their admiration in a reasonably short time; and no more think of imposing the taste, than the dress of their youth, upon a succeeding generation.

Mr Montgomery is one of the most musical and melancholy fine gentlemen we have lately descried on the lower slopes of Parnassus. He is very weakly, very finical, and very affected. His affectations, too, are the most usual, and the most offensive of those that are commonly met with in the species to which he belongs: they are affectations of extreme tenderness and delicacy, and of great energy and enthusiasm. Whenever he does not

whine, he must rant. The scanty stream of his genius is never allowed to steal quietly along its channel; but is either poured out in melodious tears, or thrown up to heaven in all the frothy magnificence of tiny jets and artificial commotions.

The first and the longest poem in the volume is the Wanderer of Switzerland, in which the author informs us it was his design to celebrate an *epic* subject in a *lyric* measure, and on a *dramatic* plan. It consists, accordingly, of a series of conversations between an old gentleman who had escaped from the battle of Underwalden with a part of his family, and a hospitable and poetical shepherd, in whose cottage they had sought shelter. Of the richness of this triple essence of ode, epic, and drama, the reader may judge from the opening stanzas.

Shep. "Wanderer! whither dost thou roam?
Weary Wanderer, old and gray!
Wherefore hast thou left thine home
In the sunset of thy day?"

Wand. "In the sunset of my day,
Stranger! I have lost my home:
Weary, wandering, old and gray,
Therefore, therefore, do I roam." pp. 11, 12.

He then tells him, in the same dancing measure, that he has just escaped from the ruin of Switzerland; and the sentimental swain immediately replies.

Shep. "Welcome, Wanderer as thou art,
All my blessings to partake;
Yet thrice welcome to my heart,
For thine injur'd country's sake."

"Spouse! I bring a suffering guest,
With his family of grief;
Bid the weary pilgrims rest,
Yield, O yield them sweet relief!"

Shep.'s Wife. "I will yield them sweet relief:
Weary Pilgrims! welcome here;
Welcome, family of grief!
Welcome to my warmest cheer." pp. 14, 15.

This, we own, appears to us like the singing of a bad pantomime; and is more insipid and disgusting than any tragic ballad, either ancient or modern, that we recollect to have met with. The party sup very comfortably on bread and cheese, wine, honey, and ripe fruit; and the old Swiss tells the story of the French invasion, and the death of his son-in-law in the battle. The old shepherd, in the very spirit of hospitality and lyric poetry, insists upon drinking to the memory of the departed warriors.

Shep. " Pledge the memory of the Brave,
And the spirits of the dead;
Pledge the venerable Grave,
Valour's consecrated bed." p. 42.

The Swiss repeats the toast with great devotion—

Wand. " Hail!—all hail! the Patriot's grave,
Valour's venerable bed!
Hail! the memory of the Brave,
Hail! the spirits of the dead!" p. 43.

On hearing the description of her husband's death, his widow, as was to have been expected, falls into a fit, out of which they have some difficulty in recovering her. If we may judge from the rapidity of the dialogue, and the number of interjections and points of admiration, this should be the most pathetic part of the poem.

Shep. " Man of suffering! such a tale
Would wring tears from marble eyes!"
Wand. " Ha! my daughter's cheek grows pale;"
W.'s Wife. " Help, O help! my daughter dies!"
Wand. " Calm thy transports, O my Wife!
Peace, for these sweet orphans' sake!"
W.'s Wife. " O my joy! my hope! my life!
O my child! my child! awake!"
Wand. " God! O God! whose goodness gives;
God! whose wisdom takes away;
Spare my child!"
Shep. " ——————" She lives! she lives!"
Wand. " Lives?—my daughter! didst thou say?
God Almighty! on my knees,
In the dust will I adore
Thine unsearchable decrees;
—She was dead!—she lives once more!" pp. 47, 48.

The females then go to bed, and the old Wanderer sits up over his wine with his host, and informs him that he is going to America, where he expects to be tolerably happy, in spite of a circumstance which, though very energetically expressed, we really conceive would not detract much from the happiness of the most social of mankind.

" Though the mould that wraps my clay,
When this storm of life is o'er,
Never—never—never lay
On a human breast before." p. 65.

Towards the end of the poem, the poor man, having drank a little too freely we suppose, breaks out into a sort of raving about the restoration of Switzerland, in the course of which he

draws his sword, and lays about him, and is pacified by his host with no small difficulty.

Shep. " Warrior! Warrior! stay thine arm!
Sheathe, O sheathe thy frantic sword!"
Wand. " Ah! I rave!—I faint!—the charm
Flies—and memory is restored!" p. 72.

Such is the outline of this lyrical epic. Its chief ornaments are ejaculations and points of admiration; and, indeed, we must do Mr Montgomery the justice to say, that he is on no occasion sparing of his ohs and ahs. In this particular poem, he frequently brings them in with great simplicity and effect in this appropriate manner.

' O! how gloriously they fought!'
' O it was a happy spot!'
' O 'tis venerable earth,' &c. &c.

Medical writers inform us, that spasms and convulsions are usually produced by debility; and we have generally observed, that the more feeble a writer's genius is, the more violent and terrific are the distortions into which he throws himself. There is a certain cold extravagance, which is symptomatic of extreme dulness; and wild metaphors and startling personifications indicate the natural sterility of the mind which has been forced to bear them. This volume abounds with these sallies of desperate impotence. For instance,

' Hark!—a strange sound affrights mine ear;
My pulse—my brain runs wild,—I rave:
—Ah! who art thou whose voice I hear?
——" I am THE GRAVE!

" The GRAVE, that never spake before,
Hath found at length a tongue to chide:
O listen!—I will speak no more:—
Be silent, Pride!" p. 74.

Again—

' My spirit descends where the day-spring is born,
Where the billows are rubies on fire,
And the breezes that rock the light cradle of morn
Are sweet as the Phœnix's pyre:
O regions of beauty, of love, and desire!
O gardens of Eden! in vain
Placed far on the fathomless main.' p. 162.

' Ah! why hath JEHOVAH, in forming the world,
With the waters divided the land,
His ramparts of rocks round the continent hurl'd,
And cradled the deep in his hand,
If man may transgress his eternal command,
And leap o'er the bounds of his birth
To ravage the uttermost earth?' p. 164.

Mr Montgomery's most favourite and natural style, however, is more fantastical. The following is an exquisite piece of *verbiage*.

' Where the roving rill meander'd
Down the green, retiring vale,
Poor, forlorn ALCÆUS wander'd,
Pale with thought, serenely pale:
Hopeless Sorrow o'er his face
Breath'd a melancholy grace,
And fix'd on every feature there
The mournful resignation of despair.' p. 81.

After flinging his lyre carelessly ' over his arm,' as if it had been a Spanish cloke, this interesting person goes out ' at midnight's solemn noon,' and sings this ditty to the moon and stars, ' that shed their mildest influence on his head.'

" Lyre! O Lyre! my chosen treasure,
" Solace of my bleeding heart!
" Lyre! O Lyre! my only pleasure,
" We must ever, ever part:
" For in vain thy poet sings,
" Wooes in vain thine heavenly strings;
" The Muse's wretched sons are born
" To cold neglect, and penury, and scorn." p. 82.

Even this, however, is more tolerable than the following; which is as tawdry and vile as the tarnished finery of a strolling actress.

' O for evening's brownest shade!
Where the breezes play by stealth
In the forest-cinctur'd glade,
Round the hermitage of Health;
While the noon-bright mountains blaze
In the sun's tormenting rays.

' O'er the sick and sultry plains,
Through the dim delirious air,
Agonizing silence reigns,
And the wanness of despair:
Nature faints with fervent heat,
Ah! her pulse hath ceas'd to beat!

' Now in deep and dreadful gloom,
Clouds on clouds portentous spread,
Black as if the day of doom
Hung o'er Nature's shrinking head:
Lo! the lightning breaks from high,
—GOD is coming!—GOD is nigh!' pp. 127, 128.

If the reader be not satisfied with this, he may solace himself with ' a song, written for a convivial meeting, whose motto was Friendship, Love, and Truth;' or with ' a Remonstrance to Winter,' beginning,

'Ah! why, *unfeeling* Winter! why
Still flags thy torpid wing!
Fly, *melancholy* season, fly,
And yield the year to Spring.'

Or with another Lilliputian ode, in which he is equally severe on the same quarter of the year.

'Winter, retire!
Thy reign is past;
Hoary sire!
Yield the sceptre of thy sway,' &c.

Or, finally, with a pathetic effusion, entitled, 'the Joy of Grief,' in which he may find many stanzas as natural and touching as this,

'Did not grief then grow romantic,
Raving on remember'd bliss?
Did you not with fervour frantic,
Kiss the lips that felt no kiss?' p. 101.

For our own part, however, we have no longer room to commemorate more than one of those exquisite productions; and we give a decided preference to that which we can easily perceive to have been the author's own favourite. The very title, indeed, is characteristic of the tenderness of his nature, and his gentle ambition of singularity. It is called, 'THE PILLOW,' and celebrates the fate of a poetical friend of the author's, who died in his bed, because the world would not buy so much as a single edition of his verses. There is something very moving in these introductory lines.

'My friend was young, the world was new;
The world was false, my friend was true;
Lowly his lot, his birth obscure,
His fortune hard, my friend was poor.' p. 113.

After mentioning the death of this amiable creature, we are surprised to find how ingeniously and easily our poet can comfort himself.

'And yet, O Pillow! yet to me,
My gentle Friend survives in thee;
In thee, the partner of his bed,
In thee, the widow of the dead! p. 114.

We then learn, that his deceased friend 'played on the brink of Helicon;' and that 'the Muse of Sorrow,' whom he elegantly terms *a gipsy*, stole him, and taught him to sing; and that he used to muse in pensive mood before falling asleep.

'O Pillow! then, when light withdrew,
To thee the fond enthusiast flew;
On thee, in pensive mood reclin'd,
He pour'd his contemplative mind,

Till o'er his eyes, with mild control,
Sleep like a soft enchantment stole.' p. 118, 119.

The crisis of his fate is thus simply narrated.

'Louder and bolder bards were crown'd,
Whose dissonance his music drown'd;
The public ear, the public voice,
Despis'd his song, denied his choice,
Denied a name—a life in death,
Denied—a bubble and a breath.
Stript of his fondest dearest claim,
And disinherited of fame,
To thee, O Pillow! thee alone,
He made his silent anguish known;
His haughty spirit scorn'd the blow
That laid his high ambition low;
But ah! his looks assum'd in vain
A cold ineffable disdain.' pp. 119, 120.

We cannot laugh at this any longer; and feel ourselves compelled to ask pardon of our readers for having detained them so long with these paltry affectations. The passages we have already exhibited will probably be sufficient to justify our estimate of the volume, and to confirm the theory by which we have attempted to account for its success. After all, however, it is still a little strange, and not a little humiliating, to think, that, at a period when we have more eminent poetical writers than have appeared together for upwards of a century, such a performance as this should rise into any degree of public favour. When every day is bringing forth some new work from the pen of Scott, Campbell, Rogers, Baillie, Sotheby, Wordsworth, or Southey, it is natural to feel some disgust at the undistinguishing voracity which can swallow down three editions of songs to convivial societies, and verses to a pillow.

ART. VII. *The Science of Legislation, from the Italian of Gaetano Filangieri.* By SIR R. CLAYTON. Lond. 1806.

GAETANO FILANGIERI, we are told by his translator, was born in 1752, of an illustrious Neapolitan family. He chose the profession of an advocate, which, in Naples, is more respectable than in many other countries on the Continent; and, as it there leads to the first employments in the State, the younger sons of the nobility, whose patrimony is slender, often adopt it. It was while he practised in the Neapolitan courts, that the little treatise, with the title, 'Riflessioni politiche sull' ultima

legge sovrana chi reguarda l' amministrazione di Giustizia,' established his legal and literary reputation. This profession, however, he renounced at an early age, his uncle, the Archbishop of Naples, having bestowed upon him a rich commandery of the Constantinian order, by which he was enabled to transfer his attention to studies more enlarged than those of any particular jurisprudence. He became also gentleman of the chamber to his Sicilian Majesty, and received a commission in a royal corps of volunteers, wholly composed of the nobility, and considered as the King's select body guard.

Under such circumstances as these, far less propitious than the struggles of the most abject poverty, it is the rare praise of Filangieri to have produced, in the bosom of the court of Naples, at only thirty years of age, 'la Scienza delle Legislazione;' a work, however we may appreciate its philosophical excellence, which bears the traces of much learned research, and breathes, in every page, sentiments of the purest virtue, mingled with an undaunted spirit of liberty, and zeal for the improvement of mankind. Let it be spoken too, to the honour of Ferdinand, that he revered the character of his patriot courtier. He was raised to the post of counsellor of finance; and higher honours are said to have awaited him, when a disorder, arising from exposure to the night air, in returning to his country house, after the fatigues of his employment, put an end to his life, and to the schemes which he had projected for the reestablishment of the finances, on the basis of national prosperity. He died in 1788, in his 36th year; and if we could believe that a man of his enlightened virtues would long have retained the favour of a dissolute court, or withstood the necessary enmities of the nobility and priesthood, his loss must have been grievous indeed to his countrymen. 'Ho più di tutto perduto,' exclaimed the King, 'nella morte di quel digno ed illuminato vassallo.' A pension was settled on his widow, and his children were educated at the royal expense. It is recorded of Filangieri, that he possessed great personal beauty, and that gracefulness of manner which belongs rather to his rank than his pursuits; merits, which probably redeemed his philosophy at Portici. He lived as virtuously as he wrote; and his abhorrence of spiritual abuses seems (which is rare in a Continental philosopher) to have stopped short of irreligion. Hence, perhaps, the zealous friends of revolution spoke of him with coldness. 'Before we read Filangieri's book,' said one of them, with the foolish intolerance so usual in that school, 'it will be necessary to determine, whether a lord of the court, and a nephew of the Archbishop of Naples, is capable of rendering any service to philosophy.'

Such a man it is impossible to venerate too much; but of his book we must judge as if it came from one unknown. Translations into German, French, and Spanish, evince the credit in which it has been held on the Continent. The first volume was translated into English by a Mr Kendal, in 1792; but its sale was probably small, as he never proceeded in the work. Sir R. Clayton says,

'I have confined the present translation to political and economical laws, and have not extended it to criminal legislation, for the following reasons: Our own distribution of public justice is scarcely susceptible of amendment; and a great part of Filangieri, on this subject, relates to the local imperfections of the continental system of criminal jurisprudence, neither useful nor entertaining to an English reader.'

Much might undoubtedly be retrenched in a translation which related only to usages in which a British reader could take no interest, and which he could but imperfectly understand; but we cannot acquiesce in the doctrine, that the English system of criminal jurisprudence is not susceptible of amendment. Orthodox as this position may be with some English lawyers, and flattering as it is to the rooted prejudices of that country, we would appeal to none more confidently than to the enlightened members of that profession, and to those who exercise the functions of magistracy, whether either the letter of the penal code, or the course of criminal justice, or the rules of evidence admitted, or the forms of process prescribed, or the usages introduced, have nothing in them of imperfection, nothing which shelters the subtle culprit, or affects innocence with the collateral, though not the direct, consequences of guilt. It is surely no friendly office to a nation that we perform, when we encourage that blind, and, as it were, parental bias in favour of its defective institutions, which precludes any inquiry into the means of improving them. This reason, however, of Sir R. Clayton's applies only to the third book of the 'Scienza delle Legislazione:' The four last, treating of education, the rights of the church, the laws of property, and those which regard the domestic relations, must have been left untranslated for some other cause, and probably from a very reasonable doubt, whether so extensive a publication would obtain a ready sale in the shops of London.

Perhaps we may be permitted, as the original work has not been very generally read in England, to consider it as in some degree new, and dwell more upon the merits of Filangieri than of Sir R. Clayton. The author has developed his plan in an introduction, which his translator, for no reason assigned, has thought fit to omit. Perhaps he was aware how mutilated his volumes would appear, when compared with the grand and com-

prehensive fabric which was raised by Filangieri. In the first book, he professes to discuss the general principles of legislation, as they regard *preservation* and *security*, the great objects of civil society.

' Cominciàndo dal distinguere la *bontà assoluta* delle leggi, della *bontà relativa*, determinando l' idea precisa dell' una e dell' altra; distinguendo l' armonia, che deve avere la legge co' principj della natura, dal rapporto, che essa deve avere collo stato della nazione, alla quale si emana, sviluppando i principj più generali, che dipendono da questo doppio carattere di bontà, che deve avere ogni legge; osservando le conseguenze, che ne derivano; deducendone gli errori delle leggi, la diversità necessarià, l' opposizione anche frequente delle legislazioni; le vicende de' codice, la necessità de correggerli; gli ostacoli che rendono difficili queste correzioni, le precauzioni, che fanno svanire questi ostacoli: prendendo, io dico, di mira tutti questi oggetti, noi non faremo altro, che dare un' idea generale della teoria della *bontà assoluta* delle leggi, e disporie alto sviluppo della teoria molto più complicata della lors *bontà relativa*, che è, per così dire, l' aggregate di tutto le regale generali della scienza della legislazione.

' Se questa bontà consiste nel rapporto delle leggi collo stato della nazione, alla quale vengono emanate, bisogna vedere quali sono i componenti di questo stato. Noi li troveremo nella natura del governo, e per conseguenza nel principio, che lo fa agire; nel genio, e nell' indole de' popoli; nel clima, forza sempre attiva, e sempre nascosta; nella natura del terreno; nella situazione locate; nella maggiore, e minore estenzione del paese; nell' infanzia, o nella maturità del popolo, e nella religione, in questa forza divina, che influendo su i costumi de popoli, deve richiamore le prime cure del legislatore.'

These disquisitions, he allows, will lead him over the ground already trodden by Montesquieu; but their objects were not the same. The one sought, in the circumstances of nations, the spirit of laws which have been; the other, of those which ought to be. The one raised up the veil of time past; the other threw lights on futurity. The one explained how evils arose; the other endeavoured to elicit from thence their remedy. Such is the difference of the two writers, as to the scheme of their works, and the direction of their minds. But, in the execution, no comparison can, we think, be made between the labours of Montesquieu and Filangieri. The latter has brought very little original thinking into the stock of science; and his praise might perhaps be limited to an extensive, and, upon the whole, a judicious use of the researches which had been made before him.

The positive goodness of a law consists, according to Filangieri, in its conformity with the common principles of morality, and with the precepts of revelation. God and nature protect the rights of mankind, and no transitory expediency can justify their

infringement. The Aquiline law, which renders it no more penal to kill a slave than a horse; the law of Henry II. of France, which compels an unmarried woman to declare her pregnancy before a magistrate, on pain of death if her child perish; those of other countries, which force the testimony of a wife against her husband, and a child against its parent—violate institutions more sacred than themselves, and resist an authority paramount to that by which they are prescribed. Besides, however, these absolute distinctions in the goodness of laws, there are many others of a less general nature, deducible from the circumstances of those countries for which they are proposed. To these the chief attention of a legislator should be directed. The laws of Lycurgus were not made for Athens, and those of Athens would have ruined Lacedemon. In the constitution of their government, in their character, customs and religion, in their soil, their climate, their position, the wise politician may discover constant, and perhaps insuperable diversities between one people and another.—These have been separately treated by Filangieri, and form the substance of this first book of his work.

It has sometimes struck us, that the bias which is found in some theoretical writers upon legislation in favour of established systems, and in others towards changes, may partly be accounted for, by the character of the country and government for which their labours were designed. In the ancient republics, the sovereignty was generally exercised by the whole body of the people, liable to the natural turbulence and instability of all democracies, and, in those of Greece, to a certain constitutional levity in the national character. The beautiful fabrics of civil polity might be swept away by the surge of a moment, whenever the factious, who loved sedition, or the ambitious, who aimed at tyranny, should rouse the madness of the multitude. Against these perils of innovation, it was difficult to devise a barrier, compatible with the supremacy of the public will. The legislators of antiquity were not however deficient in their endeavours to secure the stability of their institutions. The proposer of a new law among the Locrians, we are told by Demosthenes, *wore a rope about his neck;* if it failed of adoption, his life was an instant sacrifice to the sanctity of the established constitution. Less violent, yet powerful, checks were imposed by the laws of Athens and Rome. The people, jealous as they were in the extreme of their legislative rights, submitted to a previous negative in the Nomothetæ of the one, and in the Senate of the other. At Rome, indeed, this corrective of innovation was in a great degree done away by the plebiscita, which passed by a vote of the tribes, without the authority of the senate, and acquired, at

a pretty early period, the complete force of what were more strictly called laws. But there was yet another tie, by which the prudence of ancient legislators bound together the systems they had framed. This was superstition. They called in a force to which the physical power of the multitude must yield, and appealed to an authority, by which its acknowledged sovereignty might be lawfully controlled. For them the voice of the gods was raised in oracles; for them the mysterious symbols of fate were displayed in auguries; to them the divinities of woods and fountains taught more than fallible wisdom could have discovered. The worship, the ceremonies, and processions of antiquity, were mingled with the laws of civil regimen, and cast over them a veil of reverence and regard, that made innovation sacrilege. None but the patrician families could tend the sacred chickens of the augural college. The privilege may not seem invaluable. But if it was declared that these chickens refused to eat, an assembly of the people was that instant dissolved, their clamours silenced, their leaders appalled, and not a wreck left behind of the clouds that hung over the public tranquillity. And this distinction was the last to fall before the gradual progress of the plebeian claims.

In absolute monarchies, on the contrary, the genius of the constitution, and commonly the prejudices of the people, resist with a sort of inert force every species of innovation. Theoretical writers are therefore led to throw their weight into the opposite scale, and to counteract that 'froward retention of custom,' which baffles all their schemes of public improvement. The abuses likewise of such governments are commonly much more flagrant, and the grievances more substantial, than in those of a republican form; and while these naturally rouse the indignation of enlightened and patriotic men, the dangers of that turbulent fermentation, which is apt to attend political change, seem generally far less, where the prince, and not the people, administers the remedy. During part of the last century, kings aspired to be philosophers, or listened at least to those who bore the name; some looked for power, and some for reputation, in the destruction of ancient usages. The fancy of the theorist was inflamed; his projects became more extensive and less gradual, when he had but to persuade a single man of their possibility and excellence. It may be noted, that although innovations are rare in absolute monarchies, yet when they do take place, they are likely to be almost as sweeping, and as sudden, as in democracies themselves. For these forms of government, as Mr Burke has well remarked from Aristotle, have striking points of resemblance, in their arbitrary nature, and their disregard of private rights. The promulgation of a legislative code by a single edict, changing at

once, upon however specious principles, the ancient customs of a nation, associated with all their notions of right, especially as to property;—prejudices which it is so dangerous to disturb; interwoven with the plans of so many individuals for their domestic happiness; familiar, by long habit, to the popular understanding, and accommodated, in all those petty occasions, which cannot be foreseen, to the exigencies of social life;—is a piece of infatuation and tyranny, which none, one would think, but a prince, in the barren ignorance of the purple, or a 'bookish theorique' in the presumptuousness of speculation, could approve. Yet Filangieri admires the celebrated project of Catharine, her philosophical code of Russian laws, and the absurd mockery of delegation from the dispersed and ignorant boors of her vast empire. 'She left to her kingdom the choice of its delegates, and consequently of its legislators. Under such circumstances, not a single peasant could doubt of the value of the new code, or could hesitate a moment on the preference between it and the ancient system.' The total neglect into which we understand this code to have fallen, is an answer to such an absurdity. We are far from charging Filangieri with that infatuated abhorrence of existing institutions, which distinguished the early times of the French revolution. In certain passages he appears aware, that reformations cannot be hastily taken up, or suddenly executed. But the general bias of his schemes is to make all provision against the sluggish spirit which adheres to every thing that is old, and very little against the turbulent spirit which grasps at every thing that is new. His institutions are laid out for a free government; but he lived under arbitrary power, and naturally thought most of the evils which he saw around him. From this error, and from one very common with speculative men, that of attributing more wisdom, and virtue, and influence, to the imaginary magistrate, than a real individual will ever possess, we find positions advanced, from which we shrink as wild and dangerous, and projects brought forward, which appear visionary and absurd. Let the following be a specimen.

'The first step to be taken, is to create in the public a wish for the proposed reformation. A change in the constitution of a country is not the work of a moment; and to prepare the way for it, the inclinations of the people should be gradually led towards it. They should be made fully sensible of the inefficacy of their established laws, and be convinced their hardships and oppressions are owing to them. The ablest writers should be employed to state the errors and inconveniences of the old system, and the propriety as well as the necessity of abolishing it, and adopting a more advantageous one. When these efforts are successful, and the public wish is united with the force of government, one of the greatest obstacles is surmounted, and there is no reason for any further

apprehensions from a passionate and ungovernable attachment of the multitude to their ancient usages. * * * * * When this first step is taken, another naturally follows. Having prejudiced the public opinion against its ancient laws, it should be inspired with a confidence in the proposed ones; and the arguments intended to produce this necessary predilection, ought to be plain and striking, and, in some degree, flowing from the public sentiments.' &c. Vol. I. 57.

The predominant character of the British system of government, though it is essentially republican, is certainly rather adverse than favourable to innovation. It partakes, indeed, rather of the nature of an aristocracy, on a very large and liberal basis, than of any other polity; and the genius of an aristocratic commonwealth is of all others the most hostile to any change. Though the direct share of the monarch in legislation has become nominal, that of the House of Peers is very real and effective; and, on looking narrowly into the spirit which has generally actuated that assembly, we shall perceive, that new projects in legislation have encountered a very marked discouragement within its walls. But even in the more enlarged aristocracy of the Lower House, and in the tone of thinking which has been, bating a few exceptions, prevalent in the great body of the public, there is little to encourage the political theorist in his passion for experiments. The sedate temperament of the people, and their high traditional respect for the constitution, are undoubtedly powerful causes of this disposition. Another, somewhat less obvious, is the great influence of the members of the law in all political questions which involve an alteration in the national jurisprudence. By habit, by prepossession, by self-interest, lawyers are friendly to their ancient system; and the narrow way of judging, which is an unfortunate characteristic of their profession, is apt to raise, in even very able men, an excessive dislike of proffered improvements. Is it not possible, that the singular adherence of the American States to the common law of England, a system, in many points, equally repugnant to their government and their circumstances, has proceeded from the great strength of the legal phalanx in their assemblies, and its influence over the democratic mass? And even the spirit of party, which has reigned in this country till it has assumed the name of a virtue, and found a place in our national ethics, has proved hostile in fact, contrary to what might be supposed, to any substantial reformations. For the leaders of opposition are never powerful enough to carry any new project through Parliament; while, on the other hand, they may sometimes defeat, and much more often prevent, the introduction of schemes on the part of administration, which certain classes of men, who on such an occasion fall into their ranks, are interested to resist. If, however, there is more of this retention of custom among our

countrymen than the sanguine speculator would wish, let him not rashly covet the mad resolves of a multitude, or the capricious edicts of arbitrary power. It is the consciousness of great blessings, which has brought contentment to our bosoms, and taken away the craving for imagined happiness. It is the inheritance of prescriptive freedom, the pedigree of ancient rights, which has justly made sacred the laws of our forefathers. Nor, whatever may be the tendency of our constitution to resist innovation, has the actual progress of legislative improvement been trifling. The statutes of the present reign might be measured by the square yard; but, without having recourse to that mode of trying the merits of legislation, it would be an interesting work to give a view of the changes which have taken place, during that period, in the civil and political jurisprudence of Great Britain.

The constitution of this country, the most celebrated instance of what is called a mixed government, is discussed in the tenth chapter of the first book. 'A mixed government,' says the author, 'may be said to be a government where the sovereign power or legislative authority is in the hands of the nation, represented by a public assembly, divided into three bodies; the representatives of the people, the nobility or patricians, and the king, *who ought to exercise it in conjunction with them;*' or rather, as the Italian imports, who are to exercise it by agreement among each other. No tolerably informed man, in this country, would speak thus of our constitution; in which neither the King nor the House of Lords represent the nation at large; nor does the sovereignty reside anywhere but where it has always been exercised, the King in Parliament. But this may pass in a Continental writer. In such a government, there are, it seems to Filangieri, three capital inherent defects: the independence of the executive power on the body which ought to be its superior; the secret and dangerous influence of the prince in the assembly *of the bodies which represent the sovereignty*, (we are compelled to copy this jargon;) and the instability of the constitution. For these there can, he thinks, be no complete remedy, without totally changing the form of government, which the legislature ought not to attempt: but it may be practicable to find some correctives, after we have proved that such evils do exist.

The independence of the executive power, is the first danger of which we are warned by Filangieri. The king acts without present control, without future responsibility. He wields the public force. Though he may intrust the judicial authority to magistrates of his own appointment, it is he who insures obedience to their decrees. From his injustice there is no appeal; for his malversations there is no redress. The law declares him incapable of

doing wrong, and is violated itself when the people vindicate the rights which he infringes.

In this there is not much new, nor much that weighs with us. Averse to mere theory, we are content to see, in the practical spirit of our constitution, a sufficient answer to these strictures upon its form. It is of little importance whether our law-books recognise, or not, the maxim that the king can do no wrong, (though we suspect this celebrated aphorism to be rather a legal fiction, relating to the civil exercise of the prerogative, than any pledge of political impunity), so long as the precedent of 1688, and the general sentiment of Englishmen, repel the passive obedience which it seems to inculcate. This danger, indeed, our Neapolitan theorist does not apparently deem very weighty, since he is satisfied with our present provisions, the exercise of judicial functions by a magistracy independent of the Sovereign. For the second defect of our constitution, the influence of the crown over parliament, besides the common specifics, he proposes to take away from the King the power of adding to the nobility. His reasoning on this is truly curious, and reminds us of the sophisms which shone with full lustre in the constituent assembly of 1789. 'What is more extraordinary,' he says, 'in a political sense, than the right given to the King of England, of creating both the temporal and spiritual peers? They are all members of the sovereignty; and the King not being possessed of the whole sovereignty by the nature of this government, can he, without a political absurdity, communicate to others what he does not possess himself?' Against the supposed instability of the British government, the risk of breaking in upon the fundamental laws by the legislature itself, he would guard by a singular provision,—that to alter or introduce any fundamental law, a majority should not be sufficient, but that the proposition must pass unanimously. But in what manner this very provision is to be secured against the will of a mere majority, we are not told by Filangieri.

Whether the liberties of this country are in danger of yielding to a predominant ascendancy in the Crown, is a problem too interesting to have been neglected, even if party spirit had not kept up its continual discussion. Possibly, the sentiments which we entertain will not be quite in unison with those of our readers; but it is the effect of free inquiry to suggest, at least, what may lead men more happy in their speculations to useful truths. Each side, we think—those who fear nothing, and those who take alarm at all—rely rather too much on single positions, and not quite enough on the circumstances that modify them. On the one hand, we doubt how far those safeguards of our constitutional rights, which are commonly held up to view by theoretical writers, the responsibility of ministers, the power of refusing supplies, the trial

by jury, and the liberty of the press, are, of themselves, such effectual securities as is commonly supposed.

That the King, though himself beyond control, must act by means of ministers over whose head the sword of public vengeance is suspended but by a hair, is a truth rather salutary to be inculcated, than capable of much practical illustration. No sober man dreams now of bringing the leaders of any administration to punishment for political errors; few prudent men think it would be expedient. The watchful dragon of parliamentary impeachment has now slept for nearly a century; and the disgrace and failure of the last instance, the prosecution of the ministers who signed the peace of Utrecht, may seem an omen, that, as to merely political misconduct, it will never be revived. To what extent does any English statesman feel himself virtually responsible for his measures? To the loss of his place and salary, and nothing more. Want of success may strip him of his majority; he falls from power; becomes a leader of opposition, and waits as patiently as he may, for some countervailing want of success in his rivals. They who succeed him have attained their aim. To visit his mal-administration with any sort of penal consequences, would be alike opposed to the true policy of their own party, and to the generosity of political warfare. Nor is it credible that such a proceeding could ever be successful, unless in a paroxysm of public rage, which would soon subside. All great measures of state, as the constitution is now exercised, receive, directly or indirectly, the sanction of Parliament; neither the same, nor even a succeeding House of Commons, could, in our opinion, without the imputation of disgraceful violence, impeach a minister for actions, which, though strictly proceeding from the executive power, had, in fact, their own recognition.

The power of refusing supplies is perhaps, in reality, not less fallacious. Under the Plantagenet and Stuart reigns, subsidies were often given for temporary purposes, for military expeditions which might well be dispensed with, or perhaps for the mere splendour and profusion of a court. The refusal of these, while it embarrassed the crown, did not always affect the nation; and the control of the purse became an effective check upon the prerogative. At present, were the House of Commons to withhold their immense annual grants for the services of the army, navy, and ordnance, it would operate like the dissolution of civil society: were this country alone in the world, the result would be inexpressible confusion; situated as it is, immediate subjugation would reward their magnanimous love of liberty. There are hardly, perhaps, any designs, however overt, which a king could manifest against the privileges of the people, that, as our relations foreign and domestic now stand, would justify Parliament, either in denying

the supplies, or suspending the mutiny act.—Of trial by jury, we would always speak with respect; but an Englishman is seldom satisfied without enthusiasm. He regards this institution with an idolatry, which we would not wholly condemn; and is content to pay a greater price for it, we suspect, than distant observers are aware, in the number of unjust verdicts which are given by ignorant, perverse, or corrupted juries. Yet, it is undeniable, that this form of trial was rendered subservient to arbitrary power, at several periods of our history. Neither Henry VIII. nor Charles II. found it an impediment; and, indeed, as this institution has subsisted immemorially, unless we maintain the extravagant position, that the English government has always been substantially free, it must have proved compatible with a more oppressive system.

The liberty of the press is, indeed, the most inestimable security of that of a people, because it gives that tone to the public feelings on which all liberty must ultimately rest. But how is it that we have learned to deem it one of our constitutional rights? A great deal is said about it in pamphlets; a great deal is said about it in essays on government; it is an acknowledged privilege everywhere, but in Westminster Hall. There, unluckily, it has neither a habitation nor a name. M. de Lolme tells us, that he was struck at not being able to hear of any law which enacted the liberty of the press, till it occurred to him that it existed, because it was not forbidden. But with a little more inquiry, this ingenious foreigner might have found law enough against this *soi-disant* right, though none for it. The truth is, the liberty of the press does not exist, nor ever did exist in England, but by connivance. And, unless at our distance from the metropolis, we are deceived as to the actual practice of the English courts, the indulgence itself has been reduced within very narrow limits. It is as difficult for the most adroit pamphleteer to arraign public measures, without blaming public men, as for Shakespeare's Jew to take his pound of flesh without a drop of blood; and if this is the fullest extent of the privilege, we may safely pronounce, that *fari quæ sentias* will be as much a phantom of right in practice, as it has always been in law.

But, from all that we have said, do we augur the extinction of public liberty? Far from it. If we think more lightly than others of some celebrated parts of our constitution, we are not less persuaded than they are of its intrinsic durability. We look less to the letter of the law, than the real spirit and force of the general system. The whole British constitution has undergone a mighty change in the last century: it has *settled*, to use the builders phrase; it has shifted its centre of gravity; and the political theorems of past times are no longer applicable to it. *Maximus*

novator tempus. The hand of the great reformer has passed over the fabric. It is in vain that an English jurist proves, from his Glenvil and his Fleta, that our government subsisted under Henry II.; the philosophical eye perceives nothing but contrast, even in ages less remote. The Revolution is the great epoch, so far as gradual alterations can relate to one epoch, from which our new constitution is dated. Not that it made much change in our laws. Our rights were, in point of legal sanction, perhaps, nearly the same before and after the bill that declared them. The fundamental principles, the skeleton of our polity, were certainly alike. But the expulsion of James II. was less important than the consequences to which it led. It introduced a new military force—a new arrangement of public burthens—a new system of public debt—a new commercial aristocracy—a new spirit of foreign policy. Toleration, the child of civil liberty, brought her filial arm to sustain her parent. She has kept up the freedom of thought, which no tyrant can restrain; the freedom of speech, which no laws can easily reach; the freedom of printing, which an enlightened government has not discouraged. From these, and from more causes than these, the nerve of public feeling has been strung. It has become virtually republican, though susceptible of much personal loyalty, and certainly of much attachment to the forms of monarchy. The names, indeed, of Tory and Whig, are sometimes, idly enough, kept up; but the former denomination is hardly acknowledged by any political disputant. The choice of ministers is undeniably in the Crown. Yet it is notorious, that a majority in the House of Parliament depose and substitute the officers of administration at their pleasure. Five times at least, during the present reign, has this occurred, contrary to the presumed inclinations of that power from which their legal authority is derived. Is a minister defeated, or does he gain a doubtful victory, in the House of Commons? The town is busy with reports of his resignation: he cannot, it is said, carry on the public business any longer: the Crown may regret, but cannot maintain him. Long usage has how fixed this in our own minds, as the legitimate course of things; and it is inconceivable, that either parliament or the people, should ever resign into the hands of a master, the privileges he has let fall out of his hands. Who are the nations that have lost their liberties? Where is the parallel to our own situation? Is it in Denmark, which yielded to absolute power in 1660? or in Sweden, which underwent rather a less violation of right in 1772? These were aristocracies, the one oppressive, the other corrupt; both as much hated by the people, as the monarch in each was beloved. But no great country has ever possessed such a mass of landed and mercantile proprietors, or such a proportion of en-

lightened citizens as our own. What lever can overturn a pyramid which rests on such a basis as this? Not surely a king of England, with less of courtly splendour than perhaps becomes his dignity, and without the *practical* choice of even the servants who form his household.

God forbid that we should deride that active jealousy which the patriot exercises over public men. The candid will not so interpret what we have written. If less is to be feared for mere liberty than heretofore, let us not repose in sluggish confidence towards power. The wastefulness, the selfish aims, the imbecility of a minister, may justly call for indignation, though he has never dreamed of subverting the constitution. Nor do we consider arbitrary measures, and insulated acts of grievance towards individuals, as by any means impossible. Men in power have a natural hatred of the rights which thwart them; and, perhaps, those who are best persuaded of the uprightness of their own intentions, give the least quarter to their adversaries; because, like all persecutors, they think them insincere in their opposition.

The second relation under which laws, according to Filangieri, ought to be considered, is that which they bear to the active principle in different governments. The author of the Spirit of Laws has brought forward a theory upon this subject, which, though often attacked as visionary, has ever seemed to us equally just and beautiful. The principle of a republican polity, that is to say, the motive by which those who act for the public, and especially those concerned in its administration, are naturally swayed, is virtue; of a monarchy, honour; of despotism, fear. By the virtue which ought to animate republics, is not meant private morality, as the opponents of the theory have sometimes appeared to imagine; but that disinterestedness which leads men to make sacrifices for the common weal. And although it may be reasonable as well as pleasing to believe, that bad men will not generally make good citizens; yet that a spirit of high public virtue is not quite incompatible, for a time, with dissoluteness of private life, appears from the history of the modern Italian republics, as well as those of ancient Greece. Ultimately, however, the corruption of manners seems inevitably to lead to a dissolution of republican government, by sapping the principles of disinterested exertion. The monarchy, again, intended by Montesquieu, is neither one which comes near to a republic, as England, and formerly Sweden; nor one wholly tyrannical, as those of the East, and perhaps Russia; but such as those of modern civilized Europe, and especially France (to which his general remarks upon monarchy usually refer), where legislation is exercised by the prince alone; but with many restrictions, both from established forms, and from the fundamental privileges of other parts of the

state. To such a government, an hereditary nobility, and certain classes of official nobility (if we may use the term), elevated by ecclesiastic, judicial, or municipal stations above the commons, seem essential; and where they exist, the peculiar moral sentiment of Europe, which we call honour, and which is the vital principle of that system of society where it sprung, must always be in full vigour. Public virtue is less necessary, and certainly less usual in such a state; the *esprit du corps* is in its nature opposed to diffusive patriotism; and the feelings of honour, in this sense, are prone to haughtiness, and contempt of the general interests of the people.

——— 'Rarus ferme sensus communis in illâ Fortunâ.'

It is hardly necessary to prove, that fear is the ruling motive of mere despotism; the motive alike of the rulers and the ruled, which reacts upon those who impose it. Thus each form of government has its principle of energy, though not equally vigorous and still less equally beneficial in all. I will undertake this service, though I think it desperate, a Roman consul exclaims, because it is for the good of the republic: I will undertake it, says a French officer, because it would be dishonourable to refuse: I will undertake it, because the bowstring is more certain death—is the sentiment of a Turkish aga.

To this theory it has been objected by Helvetius, that virtue, honour, and fear, are not the ultimate principles of action: they may be resolved, all of them, into the love of power; as that again may be reduced to the love of pleasure. Our readers are well acquainted with the simplifying spirit of some modern metaphysics; and the predominant love of explaining all phenomena by any single cause—except the Deity. It is very needless, however, in our opinion, to examine this position, which, true or false, need have no place in a political disquisition. Why are the metaphysicians, upon all occasions, to drive us out of the common use of words, and the maxims of practical experience, by their subtle analysis of moral powers and passions? Is it forbidden to the mathematician to speak of the six mechanical powers, because the laws of matter and motion, on which they depend, are fewer and more simple? This, however, is the hypothesis which Filangieri has adopted from Helvetius: the love of power is alike, he thinks, the ruling principle in every one; and to render this subservient to the public good, consistently with the fundamental laws of each government, is the province of legislative sagacity. Though we prefer the system of Montesquieu, of course we do not deny that regard should be had to the ambitious passions of mankind, in the constitution of their laws. They exist undoubtedly under every regimen, conjointly,

as we conceive, with what we deem the natural principle of each, and in some degree under its control.

The means proposed by Filangieri for guiding ambition to noble ends, are the following. In a democracy, let the magistrates be elected by the whole people: an entire nation seldom errs, or is corrupted,—whilst a senate is exposed to both dangers. Let every individual, unless disqualified by misconduct, be eligible to public trust. These, however, are regulations which seem rather calculated to excite, than to purify ambition; and, totally denying that an entire nation, by which is meant, in fact, the majority of a nation, *seldom errs*, we are more anxious to see how he provides against the excess of ambition in the leaders of a democratic state. For this we have the old recipes; limitation of time as to public offices; regular ascent and gradation by intervals; courts open for the impeachment of magistrates;—means, which will never secure a republic from tyranny, unless the animating principles of public virtue be very widely diffused. In an aristocratic or monarchical government, it is more difficult to make the love of power subservient to public purposes, consistently with the stability of such a constitution. He would give, in an aristocracy, to every citizen a right of admission into the class of nobles, wherever he should unite the merit and qualifications recognised and directed by the laws. This is compatible with most of those systems which bore the name of aristocracy among the ancients; but, where the power is attached, as in some modern states, to hereditary descent, the free admission of all citizens, qualified by wealth, to their privileges, seems one of those transgressions of fundamental laws, which, we are told by Filangieri, no legislator should attempt. For a monarchy, he has no other method of making ambition useful, than that of allotting, as in China, specific employments to those possessed of peculiar qualifications.

The next relative object of legislation is the genius of the people; whether it be that, which belongs to almost all nations at the same period, though changing according to the progress of society; or that peculiar character, which distinguishes one people from another. Frugality, simplicity of manners, military renown kept up by habits of hardihood, were the aim of ancient states; they proscribed luxury; they looked with jealousy upon art. Wealth is the aim of modern policy, because a different epoch in civilization has given power to the wealthy, which formerly belonged to the poor.—The care of a legislator ought to be then, at present, to make a people rich, rather than robust and intrepid. There is too much in this of the mere political economist, who is ever disposed to ' sell for gold what gold can never buy,'—the generous feelings of patriotism, and

the stern virtues of frugal manners. The regard which should be had by the lawgiver to peculiar national characters, is illustrated by those of France and Spain.

In the ensuing chapter, Filangieri treats of the adaptation of laws to climate. To this he thinks Montesquieu has attributed too much, and Hume too little. There is nothing very striking in his observations on this trite subject.

The four remaining relations of laws, to the fertility or barrenness of the soil, to the local situation and extent of the country, to the religious opinions of the people, and to their infancy or maturity, as a philosophical body, are despatched shortly, and with little interesting matter. The outline indeed of Filangieri's work is exceedingly bold and comprehensive; but he seems to have wanted either information or invention for completing his design. A chapter, which announces the most interesting topics in this branch of philosophy, mocks us, not unfrequently, with commonplace facts, and fruitless declamation.

We have so greatly expanded our discussions on the first book of our author, that we have little space left for the second, which treats of the important heads of Population and Finance. Upon the former of these, his remarks have little of novelty, and not much more perhaps of truth. The subject of population has been placed in so new a light by Sir James Stewart, and still more by Mr Malthus, that it is time to discard the positions, which, though long received as unquestionable, cannot be made compatible with their more accurate theory. Of its leading principle, indeed, Filangieri seems aware. 'The most certain evidence of the state of population in a country, is the state of its agriculture.' This is indeed the simplest of truisms. Whatever is the produce of the earth, must be consumed; and no more. No political institutions, no physical circumstances, can permanently affect population, unless they tend either to lessen, or to waste, the productions of the earth. The great numbers of regular clergy in some states, and of the military class in others, may take away useful labourers from agricultural improvement; but their celibacy cannot, as Filangieri conceives it may, directly keep down the population of the country to which they belong.

There is a good deal of declamation upon the inequality of property, and its effects on the numbers of a people. But this inequality does not seem, of necessity, to discourage agriculture. Great capitals, on the contrary, are required, in circumstances not peculiarly favourable, both to cultivate fresh land at all, and to improve the old to the utmost. There is much, however, in the character of the class to which the great prizes of wealth happen to fall. The commercial spirit of modern times has extended itself to agricul-

ture; and, in commerce, it is generally true, that the richer the individual, the better for the state. But the wealth of a feudal baron, or of the vast capitalists of ancient Italy, was a public curse; it engendered a laziness that neglected agriculture, or an arrogance that despised it; and to these we must attribute that decline of population during the periods in question, which the mere inequality of property has no essential tendency to produce.

Nor is the poverty of the labouring classes a real check to population, though lamented with much benevolent feeling by Filangieri. It was poverty, the parent of labour, the *duris urgens in rebus egestas*, which first tamed the habitable earth; and still, though more slowly, encroaches on the swamp and the thicket, to augment the sustenance of mankind. But food may not only be augmented; it may be economized. It may seem, at first, that the cravings of hunger must be nearly the same in all men, and require nearly an equal portion of food to allay them. But some are fed with less, and some are fed with more, than nature would mete out. What a difference between the consumption of a Bedouin Arab and an English farmer! Perhaps Mr Malthus has not sufficiently taken notice of this key to some of the phenomena of population. There seems no mode of accounting for the well-attested populousness of some nations, but their extreme thrift and temperance. If we may put any faith in the early books of Livy, nearly 200,000 citizens were included in the Census, soon after the expulsion of the kings, when the territory of Rome was less than Rutlandshire. The book of Chronicles bears testimony to the astonishing population of the Hebrews; who united, with the common frugality and temperance of the East, institutions more favourable to agriculture than have commonly existed. In modern Palestine, the sensible Volney gives credit to a population of 40,000 fighting men among the barren mountains of the Druses. This would give 150,000 persons for a district of 110 square leagues, or about 150 for each square mile; which approaches to the populousness of France or England. Volney ascribes this to their liberty. But free men must eat as well as slaves; and though a bad government will make a fruitful land desert, yet the best cannot turn barrenness into fertility. It is only their frugal style of life, and especially their abstinence from animal food, which can explain it. Poverty, then, which puts men upon short allowance, makes the same quantity feed more than if they were at ease; and thus the inequality of property, whatever may be its evils, has a tendency to help forward population; because it stimulates to the production of more, and checks the consumption of what there is.

We like no part of this work less than what relates to Finance.

After inveighing against customs, excises, and the like, with reasons which it is impossible to refute, because it is impossible to disprove the evils of taxation, he comes at last to the favourite substitute of the economists,—the territorial impost. As to this, he is, we think, more confident than clear in his notions, and contradicts himself in the most essential point,—the effect of such an imposition on the price of territorial produce.

'If the whole taxes were transferred directly to the land-owners they would, to repay themselves, regulate the price of the produce of land by the taxes on it. The necessity of furnishing the produce being always greater than that of selling it, would oblige the public to take their share of the burthen on their own shoulders; and this subdivision of the tax would be made without difficulty or hesitation; because, in that case, it would be the most powerful part of the community that demanded justice from the weakest.' p. 199.

'The belief that, by a suppression of all other taxes, and an increase of that upon land, the price of the produce of land would rise in proportion to the tax, is founded on a false idea, which appears to give the objection all the force of truth. If such a tax were laid on land, without the suppression of all the other taxes, it is not to be doubted that the land-owners would raise the price of its produce. But this is not the present case. Here, the land is only intended to be taxed after every other tax is abolished; and the land-owners could not then have any motive to raise the produce of their land.' p. 208.

At p. 201. is the following note.

'I have been lately informed, from very good authority, that, in Great Britain, twelve shillings and a fragment of each pound Sterling, raised on the people, are only received by government. The rest is swallowed up in the collection and its frauds.'

Political misrepresentation is so common in England, that we cannot wonder at a foreigner hearing this, on what he might deem very good authority. The fact however is, that the excise revenue, which is the largest branch, is collected at an expense, if we remember right, of about 9d. in the pound; and that of the other departments at very little more.

We have no commendations in store for Sir R. Clayton.—The language of Filangieri, though not without that feebleness which seems hardly separable from Italian prose, is elegant, and sometimes eloquent; that of his translator loose and slovenly to the utmost degree. What is worse still, he is very unfaithful. To say nothing of omissions and interpolations, we have remarked, upon a cursory comparison, many passages which give a false notion of the original; but the two following will be sufficient evidence of our charge. In the chapter on the British constitution, we read, 'Let it (the Parliament) have the right of expelling its suspected members, and let the expulsion exclude them

from their country's service, and any office under the prince. Let *the number of the members* be limited by law as much as possible.' (vol. I. p. 131.) We thought this a strange proposition; but, on turning to the work itself, found the sense quite different. 'Che questa espulsione renda per sempre colui, che l' he meritata, indegno di servir la patria, e che l' esclude anche da quelle cariche, che potreble ottenere dal prencipe; che il *numero di queste* sia ristretto, quanto si può, dalle leggi.' The other instance we shall give is really ludicrous. 'When the northern nations inundated the south, and stripped *a dying emperor* of the most beautiful part of *his* dominions, they could not forget their former habits,' &c. (vol. II. p. 40.) Who was this unlucky emperor who was so cruelly disturbed in his last hours? We run over the list hastily in our minds, but could not fix on the person. None was, however, alluded to by Filangieri; he says only, 'Quando strapparono all' *Impero* moribondo le sue più belle provincie;' and Sir R. Clayton has, in unpardonable haste, changed this plain meaning into an absurdity. We conclude, by advising such of our readers as have leisure, to read Filangieri in the original; but, if they should not happen to have leisure, their regret need not, in our opinion, be excessive.

Art. VIII. *Base du Systême Métrique Décimal, ou Mésure de l' Arc du Méridien entre les paralleles de Dunkerque & Barcelone.* Exécutée par MM. Mechain et Delambre. Tome Premier. Paris. 4to. 1806.

It is remarkable, that some of the clearest of our ideas are incapable of being accurately expressed by means of language, or of any arbitrary symbols whatsoever. This happens with respect to certain ideas of quantity; while, with respect to others not more clear or definite, the contrary takes place. Of the magnitude of a line, for instance, no precise notion can be conveyed in words from one man to another, except by comparing it with a line already known to them both; and if such a standard of comparison is wanting, the ordinary means of information fail entirely, and there is no resource but in the actual exhibition of the line itself. It is quite otherwise, again, where either the ratio or the angular position of magnitudes are concerned: these can be fully explained by verbal communication, and never require the production of the objects themselves. We know what a Greek geometer meant by a right angle, or by an angle of one degree, just as well as if we had before our eyes a circle divided by some

artist of Athens or Alexandria. We understand, too, what he means when he speaks of the ratio of two to one, or of the ratio of the diagonal of a square to its side; but if he specifies some individual length, of a foot for example, a spithame, or a stadium, we comprehend nothing of the matter, unless he has made a reference to some common standard, that is, to some magnitude which remains the same now as when he wrote.

So also, when Eratosthenes tells us that the distance between Alexandria and Syene subtends, at the earth's centre, an angle, which is the fiftieth part of four right angles, we are at no loss to comprehend what is meant; but when he says that the distance between the two places is 5000 stadia, we receive no accurate information; and much critical discussion has been required to extract even a very uncertain meaning from his words.

This imperfection of language is founded in the nature of things, and is impossible to be removed. The inconveniences arising from it have been felt not only by the learned and scientific, but by all who have been concerned about measuring, weighing, or computing, even in the most imperfect state of the arts. In the measures of every country, we may perceive attempts to obviate the difficulties which have just been mentioned, and must feel some interest in remarking the expedients adopted for that purpose by rude and unenlightened men. The *foot* which we recognise among the measures of almost all nations, was taken from the standard of the human foot, and varies, accordingly, within limits of no very considerable extent. Other standards, supposed more precise, were sometimes had recourse to. Among agricultural nations, the inch has been determined by the length of three barley corns; and to the equestrian tribes of Arabia, the breadth of a certain number of hairs from a horse's tail afforded a standard of the same kind. In weights, a drop of water appears to have been regarded as a unite, according to some methods of reckoning; and, according to others, a grain of wheat stood for the weight which still takes its name from that origin. Some authors would have us believe that the ancients, in their attempts to form a standard measure, had proceeded very far beyond these rude essays. Paucton, in his *Metrologie*, will have it, that the circumference, or the diameter of the earth, was the standard to which they referred in their measures of length. Bailly has supported the same opinion, with the ingenuity and learning displayed in all his speculations; and he endeavours to prove, that the stadium was always taken for an aliquot part of the earth's circumference, that part being different with different nations, and with different authors. No ingenuity, however, can render this supposition probable.

The ancients had no means of determining, with any tolerable precision, the magnitude of that great unit to which their measures are supposed to refer. Besides, if such a reference had been intended, it could not surely have been unknown to themselves; yet we are well assured, that neither Aristotle, nor Possidonius, nor Pliny, nor any other ancient author who lays down the dimensions of the globe, conceived that the difference between him and other writers was only apparent, or that he agreed with them about the magnitude of the earth, and differed only about the length of the measure in which he chose that its dimensions should be expressed.

The first attempt at fixing such a standard of measure as should be accurate, and universal, both as to place and time, is due to the inventive genius of the celebrated Huygens. That philosopher demonstrated that the times of vibrations of pendulums depend on their length only; and, whatever be their structure, that a certain point may be found, which in pendulums that vibrate in the same time, is constantly at the same distance from the centre of suspension. Hence he conceived that the pendulum might afford a standard, or unit, for measures of length; and though a correction would be necessary, because the intensity of gravitation was not the same in all latitudes, he believed that science furnished the means of determining this correction with sufficient accuracy. Picard laid hold of the same notion, and Cassini, in his book *de la Grandeur de la Terre*, proposed another unit, taken also from Nature, though not so easily obtained, *viz.* the six thousandth part of a minute of a degree of a great circle of the earth. A similar idea had even earlier occurred to *Mouton*. No attempt, however, was made to raise, upon any of these standards, a regular system of measures, adapted either to the purposes of science or of ordinary life. Among the measures and weights that actually prevailed throughout Europe, the utmost confusion and perplexity continued to take place. In each sort of measure units of different magnitudes were admitted. These were inaccurately divided, and variously reckoned, to the disgrace of the economical arrangements of every country where they were found. The inconveniences which arose from thence, were generally felt, and complained of. Remedies were every where proposed, but no serious attempt was made to apply them. France was, in these respects, in the same condition with other nations. A system, however, that had nothing to support it but the authority of the past time, and the inactivity of the present, was not likely to maintain itself long against the spirit of reform which became so general in that country at the commencement of the Revolution. This system, too, beside the other

objections to it, had the misfortune to appear connected with all the abominations of the feudal times. The abolition of it, therefore, was resolved on; and it would have been happy for France and for Europe, if every thing which was then destroyed had been replaced by as solid and useful a structure as that which we are going to describe. In the reformation proposed, two principal objects were kept in view. The first was the establishment of a natural standard for the measures of linear extension, and of course for the measures of all other quantities. The second was, to render the computation of those measures subject to the same arithmetical system that is used in other calculations. For this purpose, the unit of measure was to be divided decimally, and to be multiplied decimally, in order to constitute the other measures which it might be necessary to employ. No fractions but decimal were to be used in expressing quantities of any sort; and the great improvement of having but one arithmetical scale for reckoning integers and fractions of every kind, was in this way to be introduced;—an improvement so obvious, and withal so little difficult, that it is matter of surprise that it should not have been attempted till near a thousand years after decimal arithmetic itself was first introduced into Europe.

In treating of this reform, however, we cannot help remarking that the French academicians, though freed at the moment we now speak of, like the rest of their countrymen, from the dominion of that *inertia* which reigns so powerfully both in the natural and moral world, and gives the time that is past such influence over that which is to come; though delivered from the action of this force, in a degree that was perhaps never before exemplified, they may be accused, at least in one instance, of having innovated too little, and of having been too cautious about departing from an established practice, though reason was by no means on its side. What we allude to, is the system of arithmetical computation, in which they resolved to adhere to the decimal scale, instead of adopting the duodecimal, which, from the nature of number, is so evidently preferable. This preference, we believe, is generally admitted in theory; and there can be no doubt, that a rational being, conversant with the nature of number, if called on to choose his own arithmetical system, and having no bias from custom, prejudice, or authority, would not hesitate a moment about adopting the duodecimal system in preference to the decimal, and, as we think, in preference to all other systems whatsoever. The property of the number twelve, which recommends it so strongly for the purpose we are now considering, is its divisibility into so many more aliquot parts than ten, or any other number that is not much greater than itself. Twelve is divisible

by 2, by 3, by 4, and by 6; and this circumstance fits it so well for the purposes of arithmetical computation, that it has been resorted to, in all times, as the most convenient number into which any unit either of weight or of measure could be divided.

The divisions of the *As*, the *Libra*, the *Jugerum*, the *Foot*, are all proofs of what is here asserted; and this advantage, which was perceived in rude and early times, would have been found of great value in the most improved state of mathematical science. Ten has indeed no advantage as the radix of numerical computation; and has been raised to the dignity which it now holds, merely by the circumstance of its expressing the number of a man's fingers. They who regard science as the creature of pure reason, must feel somewhat indignant, that a consideration so foreign and mechanical should have determined the form and order of one of the most intellectual and abstract of all the sciences.

The duodecimal scale would no where have been found of greater use than when applied to the circle, the case in which the decimal division is liable to the strongest objections. The number by which the circumference of the circle is expressed, ought not only to be divisible into four integer parts, (as in the French system), but also into six; for the sixth part of the circumference, having its chord equal to the radius, naturally falls, in the construction of instruments, and in the computations of trigonometry, to be expressed by an integer number. According to the decimal division of the quadrant, the sixth part of the circumference not only is without an integer expression, but the decimal fraction by which it is measured is one that runs on continually without any termination. This is at least a deformity that arises from the rigid adherence to the decimal division; and it is probably the main cause why that division has been found so difficult to introduce into trigonometrical and astronomical calculation. In astronomical tables, we believe it has never been adopted. *

* Supposing the decimal division to be extended to the circle, instead of dividing the quadrant into 100, and the circumference into 400 as the French have done, it would have been better, perhaps, to have divided the sixth part of the circumference into 100, the quadrant of course into 150, and the whole circumference into 600. This would have given an easy expression for the three great *natural* divisions of the circumference into 6, 4, and 2; and would have denoted the whole by a number (600), which does not violate the strict rule of dividing by the powers of 10, any more than 400 does. The advantages of the decimal and sexagesimal systems would by this means have been in a great measure united.

The adopting of twelve for the radix of the arithmetical scale, would have obviated all these difficulties; it could have been extended with equal ease to quantities of every kind; and the introduction of it would not have been accompanied with any present inconvenience, of such magnitude as should have deterred geometers from making the attempt. We have lately seen a manuscript containing the system of duodecimal arithmetic pursued into all its detail. Two new names are necessary for the numbers eleven and twelve; and the whole arithmetical language for the numbers above ten, is consequently changed, but in a manner so analogical, as to remove all difficulty, whether in the contrivance or in the acquisition of this new vocabularly. The arithmetical characters must also undergo an entire change; the first eleven letters of the Greek alphabet are adopted in the scheme to which we refer; and by means of them and the cypher, which is still retained, the notation proceeds by rules that are easy, and well known.

We regret, therefore, that the experiment of this new arithmetic was not attempted. Another opportunity of trying it is not likely to occur soon. In the ordinary course of human affairs, such improvements are not thought of; and the moment may never again present itself, when the wisdom or delirium of a nation shall come up to the level of this species of reform.

But, to return to what respects the natural and universal standard of measure, we must remark, that the fixing on such a standard, and the abolition of the present diversity of weights and measures, was an object that very early drew the attention of the Constituent Assembly. It was proposed in that assembly by M. de Talleyrand, and decreed accordingly, that the King should be entreated to write to his Britannic Majesty, to engage the Parliament of England to concur with the National Assembly in fixing a natural unit of weights and measures; that, under the auspices of the two nations, an equal number of Commissioners from the Academy of Sciences and the Royal Society of London, might unite in order to determine the length of the pendulum in the latitude of 45°, or in any other latitude that might be thought preferable, and to deduce from thence an invariable standard of measures and of weights. This decree passed in August 1790. The Academy named a Commission, composed of Borda, Lagrange, Laplace, Monge and Condorcet; and their report is printed in the Memoirs of the Academy for 1788. * Three different units fell under the consideration of these philosophers; to wit, the length of the pendulum, the quadrant of the meri-

* Published 1791.

dian, and the quadrant of the equator. If the first of these was to be adopted, the commissioners were of opinion, that the pendulum vibrating seconds in the parallel of 45° deserved the preference, because it is the arithmetical mean between the like pendulums in all other latitudes. They observed, however, that the pendulum involves one element which is heterogeneous, to wit, *time*; and another, which is arbitrary, to wit, the division of the day into 86,400 seconds. It seemed to them better that the unit of length should not depend on a quantity, of a kind different from itself, nor on any thing that was arbitrarily assumed.

The commissioners, therefore, were brought to deliberate between the quadrant of the equator, and the quadrant of the meridian; and they were determined to fix on the latter, because it is most accessible, and because it can be ascertained with most precision. The quadrant of the meridian then was to be taken as the real unit; and the ten-millionth part of it, being thought of a convenient length, was to be taken, in practice, for the unit of linear extension. At the same time, the ordinary division of the circle into 360° was to be abandoned, and the decimal division introduced; the fourth part of the circumference being divided, not into 90, but into 100 equal parts; these parts into ten, and so on. With regard to the above determination, we must be permitted to remark, that the reasons for rejecting the pendulum are by no means completely satisfactory. The consideration, that time is a heterogeneous element, is too abstract and metaphysical to influence one's choice in a matter that is merely practical. The arbitrary element introduced by the division of the day into seconds, is perhaps an objection of more weight, were it not balanced by an equal objection in the case of the standard which has been actually adopted. That standard, in effect, is not the quadrant of the meridian, but the ten-millionth part of that quadrant; and ten million is without doubt a number just as arbitrary and as far from being suggested by any natural appearance, as 86,400, the number of seconds into which the day is divided. It is impossible, indeed, whatever standard be adopted, to proceed without the use of some arbitrary division that must be determined by our conveniency, and not at all by the nature of the thing itself. Whether we take the quadrant of the meridian, or the radius of the globe, as Cassini long ago proposed, for the unit with which all measures are to be compared, the portion of that standard which we can convert into a rod of brass or platina, to be preserved in our museums, or to be employed in actual mensuration, must be a matter of arbitrary determination. The real unit or standard that is used in practice, must always involve

in it a similar assumption; and its doing so can never afford a good reason for rejecting one standard, and preferring another.

It may be further alleged against the choice of the French Commissioners, that there is in the unit which they have fixed on, something that is even worse than an arbitrary element, one which is hypothetical, and accompanied with some degree of uncertainty. The quadrant of the meridian itself is not the immediate object of mensuration, at least in its whole length. That length is concluded from the mensuration of a part, on the supposition that the meridian is an ellipsis, and that the ratio of its axes to one another is known. It is supposed, too, that the meridians are similar and equal curves; so that, in whatever place of the world an arch of the meridian is measured, the quadrant deduced from it will be of the same magnitude. It is well known that these suppositions are not rigorously true, and, what is most material of all, that a very large arch, or several different arches of the meridian, must be measured, before the length of the whole can be determined with tolerable exactness. In all these respects, the pendulum, in the latitude of 45°, seems to us to have the decided preference above all others. The determination of it involves no theory, at least none about the conclusions of which the slightest doubt is entertained: it is at all times easily examined; and nature constantly holds out the prototype with which our standard may be compared, and from which, if lost, the knowledge of it may easily be recovered.

For these reasons, notwithstanding our profound respect for the genius and talents of the five academicians above named, we acknowledge that we are unable to acquiesce in the arguments by which they appear to have been determined.

But however this be, it cannot be questioned, that after the French academicians had laid down their plan, their method of carrying it into execution was most expeditious and accurate. They did not wait for the determination of the English government; and we are not informed what steps were taken in consequence of the decree of the Convention which has already been mentioned. Indeed, though none of those events had taken place which have since alienated the two nations so entirely from one another, the slow proceedings of an old government like ours, could never have kept pace with the ardour of reform by which at that moment the whole of the French nation seemed to be animated. The first step of the Commissioners was to set about the measurement of the largest arch of the meridian, which the extent of the dominions of France, or of its allies, rendered accessible to them. This arch, extending from Dunkirk to Barcelona, contains something more than nine degrees and a half, six

of them to the north, and three and a half to the south, of the mean parallel of 45°.

The greater part of this arch had been already measured more than once, and the length of it was now to be determined for the third time. Picard had measured the degree between Paris and Amiens in the year 1670; and this arch was continued to Dunkirk on the north, and Collioure on the south, by Cassini and Lahire in the beginning of the last century, and in the end of that which preceded it. Doubts having arisen concerning the accuracy of this measurement, Cassini de Thury, and Lacaille, were charged with the verification of it in 1739. The measurement of these mathematicians, conducted with great skill and attention, was as correct as the construction of mathematical instruments, at the time when it was made, would permit; and from it, no doubt, the length of the quadrant of the meridian might have been computed. The improvements however that had been made in the construction of instruments, gave reason to hope that a degree of accuracy considerably greater might now be attained.

Six different commissions for carrying all the parts of the plan into execution, that is, for ascertaining the unit of weight, the length of the pendulum, &c. &c. were appointed; and the principal part, to wit, the measurement of the arch just mentioned, was committed to Mechain and Delambre, who began their operations in summer 1792. The instruments which these mathematicians were to employ, both in their astronomical and geodetical operations, were the repeating circles of Borda, which had been so successfully used by the French astronomers in their operations for connecting the observatories of Greenwich and Paris in 1787. Four new instruments of that kind, and of somewhat larger dimensions, were executed by Lenoir, a very skilful artist, and put into the hands of Mechain and Delambre; the former of whom was to measure the part of the arch between Barcelona and Rhodez, about 170,000 toises in length, while the latter measured the remaining arch of 380,000 toises, between Rhodez and Dunkirk.

The reason of this unequal partition of the labour was, that the southern or Spanish part of the line was entirely new, and therefore seemed likely to present more difficulty than the northern part, which had been already measured twice, and where the time taken up in selecting stations, and laying the general plan of the survey was likely to be spared. It was soon found, however, that the difficulties which obstructed the work in the north, arising from very different causes from any which had been hitherto experienced, were much greater than in the south; and

that, in those moments of popular ferment and agitation, the neighbourhood of the metropolis was the place where vexation, and even danger, were most likely to be encountered.—The work, indeed, was undertaken at a time singularly unpropitious to the tranquil pursuits of science. The people, in the heat of the revolutionary proceedings, jealous of whatever they did not understand, saw, in the astronomers and their apparatus, nothing but causes of alarm. When they observed men professing to be employed in a service which they could not comprehend, and accompanied with instruments of so mysterious a form, they thought the whole was a pretence under which the enemies of the people concealed their machinations. Delambre was more than once obliged to stop in the towns and villages, and to read a lecture to the incredulous multitude on the nature of his astronomical apparatus, and the purposes to which it was to be applied. The magistrates afforded him all the protection in their power; but at that moment their power was of slow and precarious operation. The coolness and intrepidity of the French astronomer, added to unexampled patience, were the principal means of extricating him from his difficulties: but his danger was often imminent; and he appears sometimes to have heard the dreadful words, which, as an eloquent author has expressed it, 'were the last sounds that vibrated in the ear of many an unhappy victim.'

Mechain was more fortunate. He was once stopped in the vicinity of Paris; but having got to a distance from the capital, he met with no further disturbance. Both astronomers suffered much inconvenience in the prosecution of their work, from the depreciation of the assignats, in consequence of which they were often reduced to great necessity, and were deserted by most of their assistants. Delambre also met with persecutions from the tribunal, at that time so formidable to worth and innocence, wherever they were found. The following is an extract from the register of the Committee of Public Safety; and in the censure which it pronounces on Delambre and his associates, posterity will never fail to recognise the most honourable testimony in their favour.

'The Committee of Public Safety, considering how much it imports to the amelioration of the public mind, that those who are charged with the government do not delegate any function, or give any commission, but to men worthy of confidence, from their republican virtues, and their hatred of Kings, after having consulted with the members of the Committee of Public Instruction, particularly occupied about the operation of weights and measures, decrees, that Borda, Lavoisier, Laplace, Coulomb, Brisson, and Delambre, shall cease from this day to be members of the Commission of Weights

and Measures, and shall immediately lodge, in the hands of the remaining members of the said Commission, their instruments, calculations, notes, &c. together with an inventory.'

To this extract are annexed the names of Barrere, Robespierre, Billaud-Varrennes, Couthon, Collot-d'Herbois, &c. To have fallen under the displeasure of such men, will be allowed matter of no ordinary praise, when it is considered how deadly their hatred was. We are glad to think, that at least four of those who merited this praise, have lived to see the time when its true value could be safely acknowledged. The preceding decree is dated in the third year of the republic; and, happily for France, the power of the Committee of Public Safety did not extend far beyond that period. The operations concerning the measurement, though discontinued for some time, were afterwards resumed and completed, and the one end of the arch connected with the other by a series of triangles.

Two bases were also measured, one at Melun by Delambre, of 6075.9 toises, another at Perpignan, by Mechain, of 6006.248 toises. It appears from Delambre's account, that when the second of these bases was inferred from the first, it was found only about ten or eleven inches shorter than it turned out to be by actual measurement. When it is considered that the distance between them is about 360330 toises, or something more than 436 English miles, it will be admitted that this coincidence is a proof of extreme accuracy. At the same time we should have expected, that in the extent of so long a line, one or two more bases should have been measured. Colonel Mudge, in the conduct of his survey, though the angles of the triangles are taken with an exactness that cannot be exceeded, seems to think, that the mensuration of a base for every hundred miles, if not absolutely necessary, is at least extremely desirable.

The observations, when finished, were laid before a Commission formed of members of the National Institute, and a great number of learned and scientific men from Germany, Denmark, Holland, Italy, &c. who had accepted the invitation given them to assist in the solution of this great problem. The manner of proceeding before this commission was such, as to give the utmost degree of authenticity and correctness to all the parts of the work. The three angles of every triangle were separately examined; and after comparing the different observations of each angle, with all the circumstances entered into the original notebooks and registers, and attending to all the explanations furnished by the two observers themselves, the commissioners drew up the table of triangles, such as it is given at the end of this volume, and such as was to be used in all the subsequent calculations.

These calculations were all separately carried on by four different persons, Tralles, Van Swinden, Legendre, and Delambre, himself. Each gave in his own calculations; and their differences, if there were any, being again examined, the result was finally agreed on. The observations for the azimuth were subjected to the like examination; and, from all these combined, the length of the arch of the meridian was inferred. The observations for the latitude made at Dunkirk, Paris, Evaux, Carcassonne and Montjouy, were also produced; so that the celestial arch became known. The comparison of the two gave, for the compression of the earth $\frac{1}{334}$; for the quadrant of the meridian 5130740 toises; and, consequently, for the metre, 443.295986 lines.

During this interval, Mechain and Delambre had each fixed the latitude of his observatory by no less than 1800 observations, in order to determine from thence the latitude of the Pantheon, which was a little to the westward of the meridian, and the vertex of four of the triangles. These observations agreed with one another to the sixth part of a second.

The special commission for determining the length of the metre, consisted, at this time, of Van Swinden, Tralles, Laplace, Legendre, Siscar, Mechain, and Delambre. Their report, drawn up by Van Swinden, is dated the sixth of Floreal, in the year VII, that is 1799. The present work, though begun in the year following, did not make its appearance till six years afterwards, having been interrupted or delayed by various circumstances, and particularly by Mechain's journey into Spain, for the purpose of continuing the meridian through the Balearic isles. After suffering many hardships and disappointments, this excellent astronomer had nearly brought the work to a conclusion, when an epidemical fever, added to the fatigue he had endured, carried him off at Castellan de la Plana in Valencia, in the year 1805. *

* This part of the work, we are enabled to state, though not on the authority of the volume before us, has not been abandoned. During the late negociation at Paris, a passport was granted by the British government, at the request of the French minister, to M. Biot, charged with the operation of extending the meridian of Paris to the Balearic isles. The whole arch, if it be continued to Majorca, will then amount to about twelve degrees, bisected nearly by the parallel of 45. This is by much the longest arch yet measured on the surface of the earth: it is situated most favourably for the exact determination of the quadrantal arch; and as part of it is across the sea, it may bring into view some important facts concerning the effect of difference of density in disturbing the direction of the plumb-line.

Such is the historical notice prefixed to this work; and the remainder of the preliminary discourse is chiefly taken up in explaining the formulas and tables employed in the reduction and correction of the observations. These formulas deserve to be studied with attention by all concerned in similar operations, to whom also we would take the liberty of recommending a smaller tract by Delambre, entitled, *Methodes Analytiques pour la determination d'un Arc du Méridien*, where the principles of these reductions are explained in a manner that renders it one of the most useful books on the higher parts of practical geometry which has yet appeared.

We have already remarked, that the repeating circle of Borda was the instrument with which all the angles were observed in the course of this work. That instrument, though of no greater radius than seven inches, by the facility which it affords of measuring any proposed multiple of the angle observed, is capable of giving a mean result of much greater exactness than could be expected from its dimensions. To give an idea of the manner in which these results were obtained, we may take for an example, the angle between Watten and Cassel, observed at Dunkirk. The quadruple of that angle was found to be 187.147 gr., from which the angle itself was deduced, 46.78655 gr. The divisions, here, we must remark, are decimal, the quadrant being divided into 100, which are called *grades*. The same angle, multiplied ten times, was found = 467.868 gr., from which the angle itself appeared = 46.7868 gr. The multiplication was then carried to twelve, fourteen, &c. as far as twenty times the angle, which last was 935.731 gr., and the angle itself therefore = 46.78655 gr. It is very remarkable how near all these determinations come to one another; and the same is true of several more given by Delambre, but omitted here. From the mean of all these results, the true value of the angle is finally determined. It is the peculiar advantage of the instrument, that it allows these repetitions, or multiplications, of an angle, to be made easily, and in a very short space of time. In the circle which Delambre used, he tells us that he could only read off from the *vernier* directly, as far as hundredths of a decimal degree, the third decimal being set down by estimation. The instrument, therefore, did not go to less than 32″ of the common division, which is no very great degree of exactness, and is much exceeded by many of the sextants made in London for the ordinary purposes of navigation. Notwithstanding this, in consequence of the repeated multiplications of the angle, we find a series of results obtained, that do not differ by more than a second from one another.

The repeating circle has, however, some disadvantages, at least when compared with certain other instruments, to which it may be proper to advert. Like our ordinary sextants, when an observation is made with it, it is placed, not horizontally, but in the plane of the three objects of which the bearings are to be ascertained; and, therefore, the altitude of each of these objects, or its zenith distance, must be observed, in order that the angle may be reduced to the plane of the horizon. The determination of every horizontal angle, therefore, requires that of three different angles; which, no doubt, must be accounted an imperfection in this method of surveying, compared with that which places the instrument immediately in the plane of the horizon, and so gives the result directly, and without any reduction whatsoever.

Besides a reduction to the plane of the horizon, another reduction is necessary to bring the observed angles to the true angles, at the centres of the signals. For this reduction, as well as for the preceding, Delambre has given rules and formulæ, by which they may be calculated with great accuracy, and with all the expedition that the nature of the thing will admit.—It were, nevertheless, very desirable, that these reductions, as well as the former, should be avoided, by placing the instrument with which the angles are taken exactly at the angular point.—This method has been generally followed in the trigonometrical survey of England, where no pains have been spared to place the theodolite in the same spot that was occupied by the centre of the signal: and from thence results great additional accuracy, as well as additional simplicity, in conducting the calculations. It is the same with respect to the reduction to the horizontal plane. The great theodolite, first employed by General Roy, and now in the hands of Colonel Mudge, is always placed horizontally; and hence a great deal of labour in calculation is saved, and many sources of inaccuracy are entirely avoided. In no other survey, we believe, has the work in the field been conducted so much with a view to save that in the closet, and at the same time to avoid all those causes of error, however minute, that are not essentially involved in the nature of the problem. The French mathematicians trust to the correction of those errors; the English endeavour to cut them off entirely; and it can hardly be doubted that the latter, though perhaps the slowest and most expensive, is by far the safest proceeding.

The principal defect of the reflecting circle, we believe to consist in the small power of the telescope which it bears; an imperfection inseparable from an instrument of such a size as can

be held in the hand. The accuracy of the observations is necessarily limited, by the imperfections of the telescope, to whatever degree of minuteness the divisions on the limb of the instrument may be carried. If an object that subtends an angle of 3 or 4 seconds is the least that is distinctly visible through the telescope, an angle can never be measured nearer than 3 or 4 seconds, even if you can read off to a single second. The want of sufficient light also in the field of vision, seems to have occasioned considerable difficulty, and may have produced some inaccuracy in the observations. The signals, when the distance was considerable, were not always distinctly seen; and the construction of them became, on that account, an object of very great attention. Delambre made his signals in the form of a pyramid, truncated at the top, of the height of nearly $\frac{3}{2000}$ of the distance; so that they subtended an angle of about 30″. They were built of wood, and the base was a third part of the height. The powerful telescopes used by General Roy and Colonel Mudge in the trigonometrical survey of England, relieved them from all difficulties of this kind; as a simple mast, or staff, as it is called, with the ordinary illumination of a clear day, can be seen distinctly through the telescope of the great theodolite, at the distance of 15 or 16 miles. The advantage of these large glasses was experienced by the French Academicians, when they met with the committee of the Royal Society of London in order to unite the surveys made in France and in England, for the purpose of ascertaining the relative position of the observatories of Greenwich and Paris, as we had occasion to remark in our review of the trigonometrical survey.

It probably arose from the same cause, in some measure, that the signals made by lamps in the night were not found to answer with the French astronomers. The difficulty of illuminating the hairs in the focus of the telescope, is the impediment chiefly complained of. Such signals, however, were sometimes employed; and Delambre mentions a curious phenomenon which he observed, more than once, to accompany them. This was a kind of undulation, which made the apparent place of the light oscillate very sensibly about the true, as was particularly remarked at Mont-Martre, on the 15th of August 1792. Something similar to this, he says, he had met with in the case of the ordinary signals viewed during the day.

'These oscillations,' says he, 'I have sometimes thought would remain suspended for a few minutes, when the apparent object was at its greatest distance from the real. I will not, however, answer for this fact, which I have not been able to investigate sufficiently. I have also been disposed to think that there existed a lateral refrac-

tion. The only way to guard against the effects of such illusions, is to wait the arrival of fine weather, and to repeat the observations in circumstances as unlike as possible.'

The confidence which the French astronomers place in the repeating circle, is such, that they have not, in the course of this work, had recourse to a zenith sector, or any of the more delicate instruments of astronomy, for the purpose of determining the differences of latitude, or the amplitudes of the celestial arches, corresponding to the lines measured on the surface of the earth. This, we confess, appears to us not a little extraordinary, though we must, at the same time, remark, that this reliance on the repeating circle is confirmed by the opinion of the Swedish astronomers, who have lately measured the degree in Lapland anew. They used no other instrument but the repeating circle; and La Lande says, in his sketch of the history of astronomy for 1805, that they thought that instrument less liable to error than a zenith sector of nine feet radius, such as was used by Maupertius and his colleagues.

On the whole, when we compare the methods and instruments used in the French and in the British survey, though we see many circumstances that would induce us to give a preference to the latter; yet, when we consider the results of each, they seem, in exactness and consistency, to approach very near to an equality. We are not sure to what this should be ascribed; nor can we form a decided opinion, till the reductions of the distances to the meridian are given. It may be, that the great expedition with which the repeating circle is used, and the vast number of observations which it admits of being made in a short space of time, may balance the greater size and more exquisite division of the theodolite and the sector employed by our observers; instruments which, in themselves, are perhaps the most perfect that have ever been constructed. Indeed, the expedition with which the repeating circle can be used, is one of its greatest advantages. It is such, that in the space of five years, two observers, with very few assistants, * and in the midst of innumerable interruptions and vexations, completed a survey of 181 triangles, extending along a line more than 600 miles in length, and this, together

* Delambre was assisted by *Bellet*, an astronomical instrument-maker of great zeal and intelligence, who adhered to him in all his difficulties, and remained, when the smallness of the allowance from government deprived him of all his other assistants. Francis La Lande also shared with him in the labour of the survey for a considerable time. In the southern survey, *Mechain* was assisted by M. Tranchot, an engineer of great ability and experience.

with the measurement of two bases, and a vast number of observations for determining azimuths, and the latitudes of five different stations.

The volume before us is far from completing the account of these operations, or at least of the conclusions deduced from them. The part we have already considered, which forms the preliminary discourse, is followed by 510 pages, in which a detailed account is given of the observations made at each station, and of all the circumstances by which their accuracy can be affected. The triangles included in these observations consist of 115 principal, and 66 subsidiary triangles. At the end of the detailed account just mentioned, these triangles are reduced into a table, that exhibits, at one view, every thing concerning their angles, and the necessary reductions. The first column of this table contains the angles of every triangle as observed and reduced to the horizon; the numbers here given being the means that were struck by the commissioners in the manner already described. The second column contains the spherical excess for each angle, by comparing which with the sum of the three angles of the triangle, we have a measure of the error committed in the measurement of the three angles, which rarely amounts to 1″ or 1½″. In the third column are given the true spherical angles corrected for the error of observation, according to a principle previously explained. In the fourth column, these are reduced to the rectilineal angles contained by the chords of the arches, or of the sides of the spherical triangles. The last column of all contains the mean angles, as they are here called, that is, the observed angles first corrected for the error of observation, and afterwards diminished each by one third of the spherical excess, so that those of each triangle amount precisely to 180 degrees, and are thus prepared for computation, according to the theorem of Legendre that was mentioned in our account of the trigonometrical survey of England. Delambre has gone through the great labour of calculating the sides of these triangles, and also their reduction to the meridian, by the three different methods that correspond to the nature of the three last columns. These results, however, are not given in the volume before us. They are reserved for that which is to follow; and we have no doubt, when they shall appear, will give us new reasons to applaud the skill, the accuracy, and the patience of Delambre and his associates.

Though the formation of the above table, and the arrangement of the whole volume are the work of Delambre, yet a large part of it, containing the observations of Mechain, is given in the words of that astronomer.

The present volume does not enable us to state any thing with respect to the length of the segments into which the arch of the meridian was divided. Some of these results, however, we have learnt from the memoirs that have been published on the same subject in the volumes of the National Institute. They appear to be curious; and we take notice of them here, as indicating irregularities very similar to those that Colonel Mudge met with in the meridional arch which he measured between the Isle of Wight and Clifton in Yorkshire.

In the course of their survey, the French astronomers determined the latitudes of five different points of the meridional arch with great exactness, viz. Dunkirk, 51° 2′ 10″; Paris, at the Pantheon, 48° 50′ 49¾″; Steeple of Evaux, 46° 10′ 42″; Tower of St Vincent at Carcassonne, 43° 12′ 54″; Tower of Montjouy at Barcelona, 41° 21′ 45″. The amplitudes of the arches thus found, being compared with the terrestrial measurements, led to some results that were unexpected, and that are certainly highly deserving of attention. It appears that the length of the degree of the meridian, though it decrease constantly on going from the north to the south, as it ought to do, does in fact decrease very irregularly. Toward the northern extremity of the arch the decrease is slow, and at the rate of not more than four toises in the degrees that lie between Dunkirk and Evaux. From Evaux to Carcassonne the degrees diminish rapidly, at the rate of 30 or 31 toises; and from Carcassonne to Barcelona the diminution becomes again much slower, and is about 14 toises to a degree.

This irregularity in the differences of the degrees, does not arise from a cause that is apparent on the surface. It very much resembles that which was experienced by Colonel Mudge as he went northward from the coast of the channel, when he found that the degrees, instead of increasing, came to diminish about the middle of the arch. In both cases, we may suspect the effect to have arisen, partly from the vicinity of the sea, partly perhaps from inequalities of density under the surface, or other irregularities in the superficial part of the globe. From whatever causes they arise, the repetition of operations, such as those we are now treating of, is what alone can be expected to throw new light upon the subject. Additional experiments on the attraction of mountains would probably tend to the same object, and might lead to other valuable conclusions.

We cannot finish our account of these scientific operations, without expressing our wishes that the uniformity of measures and of weights were introduced into our own, and into every other civilized country. The difficulty is not so great as we are apt to think, when we consider the matter at a distance; and, to ef-

fect it, requires, in reality, nothing but for the legislature to say, it shall be done. As to the standard to be adopted, though we think the pendulum would have afforded the most convenient, yet when one has been actually fixed on and determined, that circumstance must greatly outweigh every other consideration. The system adopted by the French, if not absolutely the best, is so very near it, that the difference is of no account. In one point it is very unexceptionable; it involves nothing that savours of the peculiarities of any country; insomuch, as the Commissioners observe, that if all the history which we have been considering were forgotten, and the results of the operations only preserved, it would be impossible to tell with what nation this system had originated. The wisest measure, therefore, for the other nations of Europe, is certainly to adopt the metrical system of the French, with the exception perhaps of the division of the circle, where the number 600, as mentioned above, might be conveniently substituted for 400. It would not be necessary to adopt their names, which might not assort very well with the sounds that compose the languages of other nations. But the *metre*, by whatever name it may be called, ought to be adopted as the unit of length, and all the other measures of linear extension derived from it by decimal multiplication and division. It is true that this cannot be done, especially in our own case, without a certain sacrifice of national vanity; and the times do not give much encouragement to hope that such a sacrifice will be made. The calamities which the power and ambition of the French government have brought on Europe, induce us to look with jealousy and suspicion on their most innocent and laudable exertions. We ought not, however, to yield to such prejudices, where good sense and argument are so obviously against them. In a matter that concerns the arts and sciences only, the maxim may be safely admitted, *Fas est et ab hoste doceri.*

ART. IX. *Historical Fragments of the Mogul Empire, of the Morattoes, and of the English Concerns in Indostan; from the year 1759. Origin of the English Establishment, and of the Company's Trade, at Broach and Surat; and a general Idea of the Government and People of Indostan.* By ROBERT ORME, Esq. F. A. S. To which is prefixed, an Account of the Life and Writings of the Author. 1 vol. 4to. London. Wingrave. 1805.

THE British nation might say, in reference to its own dominions, what has been said of human knowledge in general; 'Maxima pars eorum quæ scimus, est minima pars eorum

quæ nescimus:' What we know bears, in magnitude at least, no proportion to that of which we are ignorant. Our Asiatic possessions far exceed the mother country in size and population: even since this could be predicated of them, they have received accessions which might, in both respects, successfully rival England. Their destinies involve the welfare of many millions of mankind; yet among us they are little known, and seldom thought of, excepting by those who claim with them a more or less direct connexion. As for the bulk of our countrymen, India, we should conjecture, occupies nearly an equal portion of their thoughts, and strikes them much in the same light with the ring of Saturn; they consider it as something very large, very curious, very distant, and inexpressibly unimportant to themselves and all their families.

This apathy and lack of knowledge we have heard attributed to the want of some standard book, which, in a popular and attractive style, should aim at making the English reader comprehensively acquainted with the scene, the nature, and the history of the British power in the East. The fact, that no such *India Guide* exists, must be admitted; but, surely, rather in evidence than in explanation, of the darkness which this circumstance is supposed to have occasioned. It explains indeed nothing. Where there is no physical obstacle to the supply of instruction, to say that it is not to be had, or, in other words, that there has not been an effectual demand for it, is to advance but a very small way in accounting for ignorance. Possibly such a book, if once produced, might gradually provoke the public curiosity on the subject which it treated; but it is much more certain, that a due measure of such curiosity would long ago have provoked the production of the book. In truth, we are ignorant, only because we are incurious; and the real and the sole question becomes, Whence this defect of curiosity?

The distance of our Indian dependencies may perhaps be thought by some to account for the phenomenon in question. But here, again, although we were to admit that, if they were nearer home, we should probably know them better, it hardly follows, that the intervention of waves and mountains should entirely estrange them from our thoughts. To an ocular observation of them, indeed, few of us are admitted; still there are frequent, numerous, and authenticated means of intercourse,—and why have not these been more generally improved? This, at least, is evident, that when we are once reduced to testimony, it can make little difference how far that testimony has travelled, provided its original quality were good. Surely it may *keep* as perfectly through a voyage of eighteen or twenty weeks, as during a run of an equal number of hours.

The true solution of this difficulty will be found, we suspect, by attending to some points, in which the situation of the East Indies materially differs from that of our Cis-Atlantic possessions. A variety of conspiring circumstances have so firmly secured to us our Eastern territories, that they may now be considered as almost *hors du combat* in our continental wars; nor have we, for years, stumbled on an European enemy of any note throughout Asia, or even heard of one, excepting in the despatches and manifestoes of the Wellesleian government. Of the circumstances that have produced this state of things, one certainly is the *distance* of British India; its distance, however, not from Britain, but from France. But the result has been, that the public mind is not strongly directed to that country, as to a part of our debateable frontier,—of the ground about which we think, inquire, hope, fear, grieve, or rejoice, from day to day; and, whatever may be the case with professed students, the public was never yet known to study a subject in cool blood. This, however, is not all. By the peculiar constitution of our Indian government, the cares and the responsibility attending it are not centered in the cabinet-council for the time being, but divided between that body and another, formed on different principles, and moving in a different plane. Of consequence, the details of Indian affairs cannot enter into that regular and recognised routine of questions, on which issue is ordinarily joined by the parties struggling for political ascendancy in this country, and which, therefore, deeply interest the political world at large. The war may indeed wander to that quarter; but it cannot, in common cases, arrive there without wandering. That this statement is correct, we cannot have a stronger proof, than in the profound indifference with which, one or two signal cases excepted, all matters connected with the subject alluded to have been treated by the country gentlemen in Parliament for a series of years.

To this twofold cause, then—that Indian politics do not *follow the same law* with our politics in general, whether foreign or domestic—we principally attribute the very slight attention usually bestowed upon them. Accordingly, whenever there has been a temporary suspension of the cause, the effect also has intermitted. When the Directory of France seriously menaced India by the way of Egypt, or whenever the Directory of Leadenhall Street have appeared to declare a war of extirpation against his Majesty's ministers, it has been instantly found, that, however distant the contested ground, and however slender in appearance the bands by which it is connected with our sympathy, the public attention could 'feel in each thread,' and literal-

ly 'live along the *line.*' But a vast and complicated subject cannot be understood at one or two sittings. The stimulus, in these cases, acted only transiently, and the old apathy succeeded. At present, Indian politics form but a small part of the bill-of-fare of our coffee-house politicians; they seldom appear upon 'Change; they are not *smattered about;* and until we have a swarm of smatterers who talk of a science, it is vain to expect many adepts in it.

Yet it were to be much wished, for many reasons, that the world were in possession of some summary and able account of British India and its various concerns. In the entire absence, however, of such a work, we must make the best of our actual means of information; and, in a relative view at least, if in no other, those writers become of great value, who have confined themselves to subordinate departments of the extensive subject in question. Of these writers, Mr Orme, whose life and a portion of whose works are now before us, is one; and he is the best of them. His, indeed, is not a song which owes all its sweetness to the night; he has positive merits of no mean order; and we are pleased with the opportunity of paying him our tribute of commendation.

The principal production of this author (as most of our readers do *not* know), is his narrative of the wars, waged in the Carnatic, between the French and the English, for the dominion of India; a work, of which perhaps we cannot better strike off the *fort* and the *foible* in a single sentence, than by saying that it is successfully formed on the historic model of antiquity. Ancient history, it is well known, was, in the earliest times, poetry; and poetry in some sense, but very good poetry certainly, it seems to have continued to the last. It delighted in the *picturesque*, and in brilliant delineations, rather than curious dissections, of its subject. It could hardly assume the name of 'Philosophy teaching by examples;' tracing from stage to stage the *mental* career of a people; measuring the mutual and ever-varying action of laws, arts, and manners; of national circumstances, fortunes, and character; and combining particular details with that tacit, but constant and learned reference to general truths, which converts a local narrative into a chapter in the natural history of the species: —as a local map, if scientifically constructed, may be immediately referred in our minds to its place on the globe. All this has been better understood by more recent artists. The great Roman annalist has indeed received the surname of the Father of Philosophical History; and the title is well bestowed, if it be considered as confined to his acute and forcible criticisms on individual character, and to the moral dignity and pathos of his

manner. But of *political* philosophy, we discover in this excellent writer but few traces. To this department of wisdom, the times—both those which Tacitus saw, and those of which his fathers could tell him—were fatally unpropitious. They exhibited a frame of society (if we may disgrace that expression by so applying it), suffering a course of experiments too frightfully violent to issue in fine results—*Sicut vetus ætas vidit quid ultimum in libertate esset, ita nos quid in servitute.* In a nation thus tried with extremes, we could hardly expect to meet with the refinements of political science; and supposing them there to exist, a historical account of such a nation affords little scope for a display of them.

Epic poetry has been considered by critics as a sort of poetical *pancratium*,—as singly requiring an assemblage of all the powers respectively adapted to every other species of verse. In this sentiment there is general truth; and, with about an equal sacrifice of accuracy to round numbers, we may perhaps give history, according to the modern conception of it, a similar preeminence in prose. It is concerned with whatever illustrates the human genius or character, and consequently touches on every description of liberal and practical knowledge. It must draw its stores out of every mine that will *pay for the working.* It embraces almost every variety of style and manner; to the exclusion, however, in a great degree, (and this exception belongs also to epic poetry), of all that is ludicrous or farcical. But the triumph of the historian consists, not so much in the possession, as in the graceful union and easy exhibition of these various virtues. His materials are less conspicuous than his disposition of them. Nor can we here forbear stopping to remark, how censurable, on this as well as on other accounts, is the plan of those writers who decomposed history after the manner of Dr Henry, and devoted distinct and concurrent columns of narration to almost all the various arts, pursuits, trades and crafts, respectively, that divide mankind. The productions of these gentlemen, although some of them are highly valuable, must not be considered as models. The privilege, indeed, of substituting compilation for composition, is the undoubted birthright of every British subject: but, to call a bundle of synchronous narratives *a history*, is almost to mistake a gallery of portraits for a historic picture, or a bale of cotton for a wardrobe.

Mr Orme, as we have already intimated, philosophizes neither more nor less than the old historic school; a circumstance for which, in a measure at least, his subject is answerable. It is really very difficult to be philosophical about the details of warfare,—about marches and sieges, howitzers and Lieutenant-Colo-

nels, stratagems, alarms, manœuvrings, fightings and runnings-away. Besides which, it must be remembered, that the scene of the Carnatic wars was laid in Hindostan; and that, too, when the comparatively refined empire of the Mogul had given place to a number of states distinguished by a policy little better than barbarous: when the concerns of war and peace were managed, with a few exceptions, by victorious assassins, consummate traitors, and experienced robbers; by diplomatists less skilful at making, than at breaking, treaties; and by generals whose daggers were more formidable than their swords. To watch through all its steps the breaking-up of a great and civilized empire; to trace the process by which order terminates in anarchy, is indeed important and useful: but the anarchy itself, when once triumphant, is exactly like all other anarchy: As a spectacle, it must interest us; but it furnishes little political instruction, beyond the simple lesson, that good government is a great good to mankind.

The field, therefore, of general or scientific remark, which lay before Mr Orme, was certainly small; but, this point being admitted, it must be acknowledged, on the other side, that he does not appear to have been particularly anxious for its extension, or extremely careful to improve the space which he really commanded. Rarely indulging himself in conjectures, reasonings, or comprehensive deductions from his facts, he seems content to write like a man of business, excepting that he is more impassioned. In adopting, however, this plan, he has declined, if the more illustrious, yet surely the more dangerous ground; while at the same time he has produced a work, in its own style, of uncommon merit. In the main, it is a clear, manly, sensible, spirited, and interesting narrative. It is but a trifling abatement of this praise to add, that, on a very few occasions, the author is tediously minute in recording military operations little attractive to the general reader.

Without that excessive fondness for portrait-painting, which has actuated some of our best historians, and has often induced them to do more justice to their art than to their subject, Mr Orme was completely awake to all the varieties of character which came before him, and has delineated them with considerable skill. The haughty and unprincipled ambition of Dupleix, which deluged Hindostan with blood, and, at the same time, the peculiarity of his constitutional temperament, combining great political courage and counsel with a singular unfitness for the business of the field, appear in excellent contrast with the steady wisdom and practical vigour of Bussy—and the bustling, but volatile and shortsighted activity of the unfortunate Lally. Still more interesting is it to an English reader, to observe the gradual

development of those eminent talents, which upheld the British cause against these dangerous enemies, and at length established it for ever on their ruin. The oriental worthies who variously distinguished themselves in the conflict; the Chanda-sahebs, the Monackjees, and the Issoofs, are sketched with spirit, but without any extravagance of colouring; and the barbaric splendour that invests them, forms a fine variety amidst the more useful and lasting brilliancy of European greatness. On the whole, it is surprising that a theatre, in many respects so confined, should have afforded such abilities, such opportunities for the display of them, and such a historian to make them known to posterity.

No sensible man ever read the history of the Carnatic wars, without feeling a tolerable assurance of its general fidelity; and, indeed, we believe it to contain very few, and those very venial, inaccuracies. The only serious exception, of which we have heard, to this remark, concerns Lord Clive, between whom and Mr Orme some coolness took place, in the interval from the publication of the first volume of the Carnatic wars to that of the two last, (an interval of many years); and this circumstance, it has been said, may be traced in the altered tone which, in his latter volumes, the historian adopts with respect to the hero. It does not however appear, that this unfortunate incident, which we state merely on report, led Mr Orme in any degree to falsify facts; although it is evident, we think, that, in the latter part of his work, he no longer mentions Clive with that favour and kindness which he discovers towards him in the former. Should he be censured for this treatment of his countryman, let us make him some amends, by celebrating a singular instance of his liberality towards an enemy. We record it in the words of his biographer.

'In order, however, to obtain all possible information respecting the operations of the French in the Carnatic, he applied to Lieutenant-General Bussy, who had borne so considerable a part in them; and that officer thought himself under such obligations to Mr Orme, for the precision and impartiality with which he had recorded his actions in the first volume, that, upon his going to France in 1773, the General invited him to his country seat, where he treated him with elegant hospitality, and furnished him with several authentic documents; among which were, a curious narrative of his own transactions; and a draught of the route of his various marches about Golcondah, Hyderabad, and in the northern provinces; the latter of which is inserted in the present volume.' pp. xxxiii. xxxiv.

In reviewing the memoirs of an author, it was natural for us to discuss a little the merits of that work which constitutes his principle title to the public regard; but we now return to the

matter more immediately before us. The account of Mr Orme's life is a neat, plain piece of biography, composed with a proper degree of interest in the subject, but without an enthusiastic spirit of panegyric. We know not that it is necessary for us to give an abstract of it, or that the reader would be much benefited by our drily detailing the dates of a long life, spent chiefly in the service of the East India Company, and latterly in literary retirement. The impression resulting from the whole is, that Mr Orme discharged his public duties with much zeal and ability, and that in private life he was respectable and amiable. Some pleasing extracts are made from his correspondence with his friends, particularly with his brother historian Dr Robertson, with whom, as well as with most of the eminent literary characters of his day, he was in habits of acquaintance, and by whom he appears to have been held in great esteem. There are also some few specimens of his talent for poetry.

The most conspicuous part of this volume is the 'Historical Fragments of the Mogul Empire,' written by Mr Orme. It is a republication, having originally appeared in the year 1782; and must, unquestionably, be deemed a performance of much labour and merit. We cannot help remarking, although the comparison may be thought somewhat fanciful, that this work seems to us to bear nearly the same relation, in length and merit, to Mr Orme's greater history, with that of the Paradise Regained to its immortal predecessor. It strikes us instantly as the production of the same author turned older. It is distinguished by a more frugal use of the ornamental appendages of good writing, if not, to a certain extent, by a designed abstinence from them. The air and general manner are less free and interesting, and, if we may use the expression, less *flexible*; so that we almost feel as if we had met with a *petrifaction* of the substance with which we were before acquainted.

The style of the 'Historical Fragments,' although not what we could properly call *affected*, is yet, on many occasions, strangely latinized, and bears the appearance of coming from a man, who, having late in life cultivated a closer intimacy with the classical writers than his youth had allowed him the opportunity of forming, was unreasonably anxious to profit by his enlarged knowledge, and to adapt himself to the admired model newly set before him. We do not mean that he affects hard words, elaborate inversions, or *tri-brach* sentences, like Dr Parr; but he is fond of attempting the flowing or complicated period, which Lord Monboddo is at full liberty to admire in the ancients, but of which the English language, principally from its poverty of inflexions and want of genders, is not very patient. The reader will ask for an instance, and we give him one.

'Their first marriages were with natives of India, and afterwards among their own families; which preserving the nationality, in time formed a numerous community, distinct in figure, colour, and character, from all the other races of Mahomedans: which nevertheless could not have subsisted, if the body of the people amongst whom they had intruded, had been, as themselves, Mahomedans, instead of Hindoos, indifferent to the distinctions of extraneous despots they equally abhorred.' p. 56. Again,

'Reverence to the higher family, and to the Mogul's choice, had given the preeminence of command to Siddee Sambole: but the other captains preserved the distinct command over their own crews and dependants, and an aristocratical council determined the general welfare of this singular republic; in which the lowest orders, from their skill and utility, maintained some influence; and, proud of their importance, merited it, by the alacrity of their service, insomuch, that they excelled all the navigators of India, and even rated themselves equal to Europeans; and indeed the onset of their sword was formidable in boarding, and on shore.' p. 57.

The work is extremely valuable, as acquainting us with the circumstances which attended the first establishment of the Mahratta power under the auspices of its champion Sevajee. The detail of these circumstances is, we believe, generally allowed the merit of correctness; with the exception, perhaps, of the story of Sevajee's having commenced his career of exploits with the assassination of a general employed against him by the king of Viziapour; at least, this story has been strongly contradicted by subsequent writers. This is indeed well for the fame of Sevajee; but we can hardly believe that a Mahratta would make much scruple of employing a dagger, to effect the important object of completely disjointing and confounding a hostile army. The character, indeed, of the great founder of the Mahratta empire is one of that description, which, happily for the oppressed, the very severity of despotism frequently forces into existence. He was rich in all those resources of mind and body which his situation both required and assisted to form; bold, inventive, patient, ardent, indefatigable, and untameable. Nor can we more highly eulogize this fierce and active adventurer, than by the simple statement, that, starting almost alone, he founded an independent empire, under the eyes, and in spite of the incessant opposition, of so able and enlightened a tyrant as Aurengzebe.

The following seems to us a good specimen of the execution of this part of the history. After mentioning his seizure of Surat, Mr Orme proceeds,

'Aurengzebe felt the disgrace, as well as the detriment of the insult, and foresaw it might be repeated, until the city were better fortified; which required time; unless Sevagi were coerced by the strongest ne-

cessity of self-defence. The whole army of the Decan invaded his territory. The conduct of the war was committed to Jysing, the Rajah of Abnir, who had a secret instruction to entice Sevagi to Delhi, but preferred the nobler exercise of the sword, until the active and obstinate resistance of Sevagi produced a solemn assurance of safety from Aurengzebe himself; on which he set out for Delhi, accompanied by a decent retinue, and his eldest son. He had formed several excellent officers, worthy of trust, and ordered them to keep up his whole force, under the usual strictness, and ready to move at his call; but forbade them to trust any letters from himself, unless confirmed by the verbal messages of particular persons whom he took with him, in appearance as menial servants. He was received by Aurengzebe with much courtesy, which continued, until the ladies of the seraglio, incited by the wife of Chaest Khan, in revenge for the death of her son, and the disgrace of her husband, solicited Aurengzebe, not unwilling, to destroy him. But the high Orahs said they had no other security for their own lives than the word of the king, and that the Hindoo Rajahs would revolt at such a breach of faith to one of their own condition. Sevagi, at the public audience, upbraided Aurengzebe with the intention, and said that he thought Chaest Khan and Surat had taught him better the value of such a servant; then drew his dagger to stab himself, but his arm was stopt. Aurengzebe condescended to sooth him, repeated his first assurance of safety, and requested his service in the expedition he was preparing against Candahar. Sevagi replied, he could command no troops but his own, and was permitted to send for them. Nevertheless, his dwelling and all his doings were narrowly watched. He sent his letters by his trusty messengers, who carried orders very different from the letters. His army moved into Guzerat, on the road to Delhi; and small parties, too small to create suspicion, were sent forward, one beyond another, with the fleetest horses. When the foremost reached its station, Sevagi and his son were carried out of their dwelling at night in covered baskets, such as fruits and repasts are sent in from persons of distinction to one another; and a boat, as for common passengers, was waiting at the extremity of the city. They passed the river unsuspected; when Sevagi, giving the boatman money, bid him go and tell Aurengzebe, that he had carried Sevagi and his son across the Jumna; then mounting with the first party, they set off at speed, and recrossed the river at a ford lower down; after which, their track and stations were through an unfrequented circuit to the west of the great cities, and amongst the mountains. The son, who had not yet reached his growth, emulating his father, sunk and died in the way, of fatigue; and the father, leaving attendants to perform the obsequies of his funeral pile, pushed on until he joined his army in Guzerat; which he turned with burning vengeance against the Mogul's lands, wheresoever they were not appeased by money, or opposed by strong situations. Surat, as the most scornful defiance, Sevagi reserved to himself. A new wall

was begun, but far from finished; and the inhabitants, to prevent his troops from entering the city, as well as to remove them from the manufacturing villages around, capitulated with him in his camp for a ransom, which he did not raise to excess, as he intended to come again for more. The Rajah Jysing was again employed to oppose him, and, as before, with instructions to persuade his return to Delhi: to which Sevagi replied, that he did not think Aurengzebe such a fool, as to think him such a one, to trust himself a second time to the man who had once deceived him.' pp. 13–15.

Before we dismiss this work, we shall venture to make some very commonplace reflections on the history which it exhibits to us. They are indeed such as will immediately fly in the face of every reader, who does not read from mere want of thought; but still they must be reiterated, till they shall have made some greater impression than yet seems to have been produced by them on the public mind. It is impossible to contemplate those countries which once constituted the theatre of Mogul greatness, and have since witnessed its utter destruction, without speculating in some degree on the probable fate of their present connexion with Great Britain. This, indeed, looks somewhat like *moralizing;* but as most men are forgiven for moralizing a little, where their interests and their morality clearly go together, we may be indulged in a small degree of anxiety on subjects in which the future welfare of this country seems to be considerably involved. We, like Aurengzebe, have had our Mahratta wars; and Aurengzebe, like us, had his friends that were dependent, his enemies that were independent, and his allies that were neither the one nor the other. We would not push the parallel to invidious lengths, or into every minute particular; but, undoubtedly, the system on which this celebrated oppressor acted, of universal ascendancy throughout the states of Hindostan, bears, in its broad outline, no slight similarity to those plans of foreign policy which have been sometimes recommended for the direction of our governments in India, and sometimes, we are sorry to add it, carried into partial execution. The grand scheme, for example, of persuading all the native sovereignties to '*exchange territory for protection,*' or (as some ill-natured persons might express it) to buy the loss of their liberty with the loss of their property, is one which, had it occurred to Aurengzebe, would have been adopted with the utmost eagerness. This, however, though the principal, is not the only, feature of the system of government, to which we allude; but, as we cannot here enter into minute details, we must trust to the reader's general acquaintance with that system, while we make a very few comments on its nature, and on the arguments which have been employed in its favour. We know not indeed that we ever let slip an opportunity of de-

claring our aversion to it; and we therefore cannot see, why so favourable an occasion as the present should be lost.

We have no objection to begin with making a concession, and that perhaps of some value. Whatever may be thought of the measures of those who have of late so immensely extended the British empire, at the expense of the states allied with us in the East, it never can be denied, that, relatively to those states, they stood, as our Indian governments have long stood, in a situation of considerable difficulty. In fact, our system of alliances in that quarter has, for a course of years, subjected all parties to those inconveniencies and embarrassments, which are the usual companions of an unequal union. Of that system (we speak of it as it existed previously to the late changes), it was the ruling principle, though a principle very variously modified, that the native sovereigns included in it should, in their foreign relations, be at once under the control of British protection, and yet remain absolute masters of their own subjects. Thus, secure of supreme power at home, but yet held in a state of political vassalage, they felt almost all the vanity, with scarcely any thing of the pride, of independence. They became indolent, luxurious, inattentive to their regal duties, and perhaps tyrannical. Whenever they were permitted to retain a military force of their own (an indulgence not always granted), their armies were ill paid and mutinous; and, being clearly unnecessary to courts safe under English protection, soon became inefficient also, except in alarming their own leaders, and extorting the revenues from their own countrymen. Even the British troops, subsidized by these princes, were sometimes left in arrear; an inconvenience which was severely felt during war. Our governors in the East were eyewitnesses of these disorders, and found it painful to prosecute the system in which they had obviously originated, while they could scarcely abandon it without some sacrifice of power and consequence. They filled the despatches they addressed to their employers in England, with complaints of the complicated miseries resulting from a *divided government*, and took steps more or less justifiable, to establish more firmly the authority of the British counsels over those of their allies. Some employed the method of persuasion; others mixed persuasion with implied threats; and indeed it required some patience to maintain an uniform tone of conciliation, in pressing measures of evident expediency on those who were as hard to persuade as they were easy to compel. Under these circumstances, it was really difficult to act; for not merely the passions of the bad, but even the feelings of the good, experienced a strong temptation to commit occasional irregularities

in the exercise of power; and many things might be done, which the acutest casuist would be obliged to pronounce completely *ambiguous.*

But having stated, in fairness, these considerations, we are under the necessity of denying that they afford a vindication to the cabinet which kindled the late wars, and effected the late mighty revolutions in Hindostan. The actions of this cabinet are certainly not very ambiguous. It appears to us, that timid delinquency never so laboured to force its acts within the shelter, or even the *second shadow* of a legal excuse, as the government alluded to strove to be indefensible. Where many plans of policy might have been adopted that incurred some risk of being wrong, they adopted one which could by no chance be right. Did we cast our eyes merely on the extent of the ground which they have covered with their pacific victories, and observe only the number of the States which, under the influence of their diplomatic dexterity, have been disfranchised of similar rights by nearly similar steps,—even this view, unconnected with any further research, might warrant a strong suspicion of the precipitancy, at least, of those counsels by which such things were so quickly brought to pass. That six or seven Indian princes should, in the course of four or five years, forfeit some of their most important privileges to the British government,—that they should abandon, some the whole, others the wreck, of their independence, almost at the same period,—and, as if by consent, that they should form a dark and deep-laid conspiracy to become slaves,—is beyond our utmost dreams of credulity. On the principle that *numerus auget suspicionem*, we must be permitted our doubts and our conjectures on surveying such a spectacle.

But the case allows of something much more determinate than surmises and suspicions, although, from the necessity of economizing our space, we can do little else than allude to the principles on which its merits are to be tried. The strange and awkward nature, such it was at all times, of our connexion with the native powers of Hindostan, has already been described, as rendering the British governments in that quarter obnoxious to peculiar difficulties; but it is now time to observe, that the same state of things imposed on them very peculiar and imperious duties. They should have recollected that they were not the only sufferers under the embarrassments issuing from the alliance in question; and that indulgence which they might have occasion to claim, they should also have been prepared to give. The Nabobs, or Rajahs, who may be parties to an alliance with the British government, are surely rather the victims than the authors of the evil consequences to which it leads, even although one of those

evils be a depravation of their own character. It follows that, in interpreting their conduct, the most liberal rules of construction should be adopted; and even a little occasional petulance and fretfulness under their leading-strings may be forgiven them. Happily, we are enabled exactly to illustrate our ideas on this subject, by pointing out a living and a direct contrast to the line of forbearance and moderation which we have here recommended; and this will be found in the whole foreign policy of the Bengal government, between the years 1797 and 1805. In the various negociations which made up that policy, little indeed have we been fortunate enough to discover of tenderness and indulgence on the part of the British, except always, that the names of those qualities were incessantly repeated. The minutest flaws, as they seem to us, and sometimes only supposed flaws, in the habitual obedience paid us by the native princes concerned, were instantly noted down as indicating hereditary enmity, systematic contempt, or Asiatic perfidy; and the rights conceived to accrue to us upon the occasion, were generally enforced with unpitying rigour. A Roman plan of conquest appears to have been formed by our government; and certainly none but Roman virtues were displayed in carrying it into accomplishment.

To exemplify these remarks particularly, is here impracticable. It will be enough, by way of specimen, to glance at our late proceedings in the Carnatic. Mahommed Ali, the old nabob of that country, and his son Omdut ul Omrah, both lived, reigned, and died, in the closest ostensible alliance with Great Britain. Previously, however, to the death of the latter, the archives of the house of Mysore, which were laid open to us by the fall of Seringapatam, had discovered a secret and somewhat mysterious correspondence to have, at one period, subsisted between Tippoo and the two nabobs already mentioned.

This correspondence the Bengal government immediately pronounced to be of a nature the most perfidious and hostile to the English nation. Now, let us accept the facts as they are given us; and, although a candid examination of the papers in question will leave us much more than doubtful respecting the fault of the persons accused, let them be supposed guilty. What was, on this emergency, the conduct of our government?—we mean as to its general features only,—for otherwise our strictures would never end. The detection of the clandestine correspondence was, for whatever reasons, not announced till Omdut ul Omrah, who could best explain his own conduct in prosecuting it, had actually expired, and till his son Hussein Alli, was brought forward as the undoubted heir to the vacant musnud. The British government now struck in with their proofs and their vouch-

ers; they commented with great severity on the characters of the two last nabobs; they denounced those princes as having invariably nourished a spirit of secret but active enmity towards the English: for overt acts of such enmity, they quoted their tardiness in furnishing with supplies the subsidiary British force which had been employed in the Carnatic; and thus referred the evils that had long been prevalent in that country, to a secret defection from the British alliance, although from that alliance itself those evils had evidently flowed: next they denounced the young prince himself as a public enemy, because, through public enemies alone he claimed the succession: and, lastly, they proceeded to the necessary work of *effectually securing* the British rights and interests at this tremendous crisis. They declared themselves under an imperious obligation to *appropriate to themselves the whole of the Carnatic*, leaving however the grandson of Mahommed Alli the nominal sovereignty of his paternal dominions, and the undisputed nabobship of his own gardens. Hussein Alli, probably not believing these menaces (which even now appear to us hardly credible) refused for two or three days to acquiesce in the arrangement proposed to him. In consequence of this obstinacy, in which a little of the old leaven of *hereditary enmity* was forthwith perceived, this unfortunate prince was entirely set aside, and his cousin elevated in his room, to the shadow of a throne.

Such was the punishment inflicted on the innocent family of a supposed offender; a punishment, which, had it been awarded to the reputed delinquent himself, and this not on suspicion, but on conviction of enmity, not timorous and reserved, but open and frontless,—which, had it overtaken him after repeated sins against repeated lenity, and after he had notoriously sworn, like Tippoo, to annihilate the English name in the East,—which, even under these circumstances, would have been considered, by every good mind, as a tremendous sacrifice to the vengeance of insulted justice.

We have only one further observation to offer on this affair; we mean, that it was begun, continued, and concluded, with a rapidity, which is observable in all the foreign transactions of the Bengal government during the period under our review, and which is a common feature of despotism. The ascertaining of a village-boundary could hardly cost less time than was bestowed on the usurpation of the Carnatic. When the charges against the deceased Nabob were first developed to the guardians of his son, these personages pressed only for a full investigation of the matter, and pledged themselves, if they were allowed but a short time for the purpose, to vindicate the innocence of their late sove-

reign. The reader will perhaps have guessed, that this request, with which mere decency would have enjoined a compliance, was rejected; but, we believe, he will not easily guess the reason assigned for its rejection. It amounted to this, that independent states cannot pretend to erect themselves into a tribunal of judicature over each other; that therefore the British Government would not undertake formally to make themselves judges of the late nabobs of the Carnatic; that they would only act for the best, and throw themselves on the opinion of the world. The sequel proved, that the only part of the judicial functions to which the moderation of the British Government found itself unequal, was the conduct of an elaborate *trial*, and that it did not shrink from the plainer business of *passing sentence*.

Having submitted to the reader our general view of this question, we cannot leave unnoticed the arguments most commonly employed on the other side. The ground of them is, the supposed benefit which must accrue to the interests, both of British and of Asiatic India, from the policy that we have been condemning. How can that be blamed, for which all parties are the better? It is indeed true, that this argument, from the utility of the system, has not always been stated in its full latitude. The measures which that system has dictated, which have been admited to be *strong*, have yet been affirmed to be perfectly consistent with the provisions of treaties, and the letter of national law; and not vindicated from the simple consideration of their practical expediency. But this salvo, though it makes the defence a better one, does not substantially alter it. A *strong* measure is one, which in ordinary circumstances would be thought *too* strong, that is, arbitrary or unjust, and therefore culpable. We come back, therefore, to this point, that considerations of utility made that conduct right in a particular case, which at other times would have been wrong. This is the plea; and it proceeds on this position, that, by acting as we did, we were both doing and getting infinite good. But we will, on the contrary, dare to assert, and endeavour to show, first, that the plea is not good, and then, that the position is not true.

In the *first* place, it can never be seriously affirmed, that the prospect of advantage to ourselves can sanctify either a legal or an equitable offence against the rights of nations. If, indeed, the maintainers of the plea intend to say, that interested motives were the real instigators of the system which they would justify, we will not be very obstinate in contradicting them; but let them at least permit us to dispute the legitimacy of such motives. On this point, however, all further argument must either be unnecessary or useless; and the only inquiry that can be endured is, whether,

in order to promote the welfare of the Asiatic provinces themselves, we were warranted, either in transgressing the boundaries of what is usually right, or at least in *cutting so fine* along those of wrong. Here we need not stop to examine, how far views of ultimate expediency are true criteria of political justice; a field of investigation sacred to metaphysical philosophers. This, however, shall be suggested, and we hold it to be unanswerable, that only views of *general* expediency, not expediency in *particular* instances, can, on any supposition, be made the guides of individual or national conduct. We have been surprised at the extraordinary manner in which this distinction, so obvious in the case of individuals, is sometimes overlooked with respect to communities. The abolition of the slave trade, for example, has been opposed on the alleged ground, that an abolition of it on the part of Great Britain alone, would be productive of no benefit to Africa. It would be just as reasonable to defend an assassin, on the ground that the individual who had fallen a victim to his stilleto was a mere incumbrance to society. Let us remember, that when great nations act, *they set a precedent* to all nations and all ages. They may do particular good, when their example shall do incredible harm. Their ambition, their injustice, their cruelty, may compass partial and temporary objects of utility, but their recorded iniquities will only create future oppressors, and multiply the scourges of the earth. And what can be of worse example, than the rapacious policy, the systematic encroachments, the *terrorism* which have stained the reputation of this country in the East? The question is not, What is the true object of all this?—but this, What will the world, what will posterity think of it? We can answer that question. We pledge ourselves, that out of our own confines and times, the magnificent professions of humanity which formed a part of the system alluded to, *however sincere*, will not be credited, no, not for an hour, even by dotage itself, in its most dotish moments. Those only may possibly pretend to believe them, who shall find it useful, in their day, to adopt the professions of the system together. The rest will ask, why we could not mend the fortunes of our allies, without taking the opportunity of mending our own? They will distrust the disinterestedness of favours which 'bless him that gives,' still more than 'him that takes.' They will insinuate, with some plausibility, that the least we can expect of a self-constituted reformer is, that his services shall be gratuitous.

But we have now to ask, Is it true that the interests, both of British India, and of its allies, would be promoted by the system of British ascendancy? Although this inquiry involves the interests of two distinct parties, yet there is, in reality, no *duplicity*

in the subject. The English could not long be safe in India, if the attainment of universal ascendancy did not succeed in promoting a general spirit of tranquillity and contentment throughout that continent. The matter at issue, therefore, is, whether the system so often mentioned is likely, either while it is undergoing the process of establishment, or after it has been established, to diffuse general satisfaction, and consequently to strengthen the authority and influence of the British nation in Hindostan.

We must, it is said, make ourselves paramount in India, in order to be secure. Now, in this sentiment, we profess not to know which is the more absurd; the feverish anxiety which it bespeaks for security, or the methods which it recommends for the attainment of it. There is but a given degree of safety to be acquired in the world, and that degree seldom but by fair means. As we never can entirely shut out danger, the best policy is to provide ourselves with friends, against the hour of alarm; the worst, surely, to attempt to increase our own portion of security at the expense of the common stock. This, indeed, we presume to be the essence of tyranny. A tyrant is a man, whose principle it is, to make himself safe by putting every body else in danger; but, since the rest of mankind love danger as little as he does, he thus only provokes them to conspire against a welfare inconsistent with their own. Not that this odious system invariably fails; but certainly it has not succeeded a hundredth part so often as the good old rule of doing as you would be done by. To inspire many with a will to befriend us, is an infinitely more promising speculation, as to an unvitiated taste it is a much more agreeable task, than to take, from all, the power of doing us injury.

Whoever will duly examine the extent and populousness of Hindostan, the physical force of Great Britain, and the relative situation of the two countries, will perceive it to be impossible that we should long continue to act with effect on a surface as large as that of Europe, at the distance of nearly a hemisphere, in the maintenance of a system which can be upheld only by the influence of intrigues and terror. For, surely, it will not be seriously maintained, that, if the scheme of universal and despotic ascendancy had been completely realized, we could have calculated on the *affection* of the native powers. The most ridiculous of all inconsistencies (although our own times have furnished more than one instance of it) is that of a despot grasping at popularity. That the British ascendancy would, in its immediate operation at least, be favourable to the lower classes of the Asiatic population, and might therefore have some claim on their gratitude, we admit with eagerness; and to admit this, is to pay a high tribute to that excellent constitution, which, even when darkened

by the fearful eclipse that has perplexed all the sovereigns of India 'with fear of change,' cannot be entirely shorn of the beams of its beneficence. But, to say nothing else on this point, until these lower classes acquire much more of character and of political weight than they have at present, or are likely to have, under any circumstances, for centuries,—any reliance on their attachment will inevitably end in more than disappointment. In the interim, our domineering friendship must excite the enmity of all in that quarter of the world, whose enmity is to be deprecated,—of whatever is noble, wealthy, powerful, or warlike.—We might be boasting of the utter exclusion of French influence from the neighbourhood of our Indian dominions; but we should know that, if any untoward accident conveyed a French army thither, they might reckon upon as many friends as we had allies, and increase their own retinue by the whole number of our dependants. We might be receiving, as even now we too much receive, a forced echo to our professions of paternal benevolence and inflexible disinterestedness: but the farce would be perfectly understood on all hands; neither the giver nor the taker of the allegiance could be deceived. It is indeed a miserable symptom of the condition of a government, when it is compelled to expend its strength in conciliating, not esteem, but compliments; when expressions of regard, that are notoriously dissembled, acquire a real and a necessary value in its eyes; when it can find its account in *levying* that homage which it has neither the wisdom nor the virtue to deserve.

Of the drain of blood, treasure, and character, to which this system has already subjected us, it is unnecessary particularly to speak; but let us deduce from the fact the obvious corollary;—*in has clades incidimus, dum metui, quam cari esse ac diligi, maluimus.* It is indeed a more splendid and captivating employment to be parcelling out ceded countries, marching subsidiary troops to inspect every court in Hindostan, and controlling princes by means of military residents, than to be less bustling, and more useful.—We have an inherent love of the magnificent, no less than of the marvellous.

> 'Who that from Alpine heights his lab'ring eye
> Shoots round the white horizon to survey
> Nilus or Ganges rolling his bright wave
> Through mountains, plains, through empires black with shade,
> Or continents of sand, will turn his gaze
> To mark the windings of a scanty rill
> That murmurs at his feet?'

But perhaps our particular concern is with this 'scanty rill;'

and its waters, if carefully diffused, will make 'glad the city.' —It is in politics as in conversation. He is not the best member of the social circle who talks the most, but who succeeds the best in promoting general conversation; and he is not the best statesman who is *the greatest doer*, but he who *sets others doing* with the greatest success.

When the magnitude of the subject that has just occupied our attention is considered, we shall not, we trust, be accused of having wantonly digressed to discuss it. We have, however, reduced to narrower bounds, the space which we intended for direct strictures on the author before us. Besides the Historical Fragments, this volume contains an unfinished tract by Mr Orme on the establishment of the English trade at Surat; a dissertation on the government and people of Hindostan; and a short paper on the characteristic effeminancy of the Hindoos.

The first of these performances is extremely valuable, and we must greatly regret its incomplete state. It bears the marks of the author's usual style, as also of his indefatigable industry in research. The tract breaks off, like the stories of the Sultana in the Arabian Nights. For the amusement of our readers, we are tempted to extract the latter part, which, if not the most important, is the most interesting: it gives the account of two English adventurers, who obtained high distinction in the East, although probably our readers have never heard of them.

'These travellers passing by Candahar, arrived at Ispahan on the 18th of September, where they found Sir Robert Shirley on departure to execute another commission from the Sophy.

'The means by which the two extraordinary adventurers of that name obtained such important employment from the ablest and fiercest sovereign of the East, would not have borne much respect in our times, which permit no enthusiasms to cover or consecrate the latent views of luxurious ambition. ANTHONY SHIRLEY, the elder brother of Robert, was a dependant on the Earl of Essex, who sent him, in 1598, with some soldiers to fight for the Duke of Ferrara against the Pope; but, by the time they arrived in Italy, the quarrel was reconciled. Essex, nevertheless, unwilling that his knight should return to England with the derision of having done nothing, not only consented to his proposal of proceeding to Persia with offer of service to Shah Abbas, whose fame had spread with much renown throughout Europe; but also furnished him with money and bills for the journey. Shirley embarked from Venice in May 1599, with twenty-five followers, some of education, all of resolution, and amongst them his brother Robert, at that time a youth. After various escapes by sea and land, they arrived at Aleppo, where, getting money for their bills, they proceeded in the company of a large caravan to Bagdad, Shirley professing himself a merchant, who expected goods by the next; but this pretence, and

the number of his retinue, excited suspicions, and all he brought was seized at the custom-house; which reduced them to live on the piecemeal sale of the clothes they wore: His anxiety in this situation was observed by a Florentine named Victorio Spiciera, who was proceeding to Ormus in order to embark for China, and had frequently conversed with Shirley during the journey from Aleppo. He tried, by repeated questions, to discover his real condition and purpose, but failing, made up his own conjectures, that Shirley intended some signal mischief, either against the Turkish empire, or the sovereignty of the Portuguese in India, of which the one was as detestable to his piety, as the other to his traffic: from these motives, mixed perhaps with admiration of a character, *which knew to personate romantic dignity*, the Florentine determined not only to extricate him from the dangers of his present situation, but enable him to prosecute his views, whatsoever they might be. The emergency pressed; for the second caravan from Aleppo was come within ten days of Bagdad; and Spiciera knew, that when the goods which Shirley had pretended to expect should not appear, he and all his followers would be doomed to imprisonment, if not worse. Fortunately, a caravan returning from Mecca to Persia arrived at this time, and encamped under the walls. Spiciera hired amongst them camels, horses, with all other necessaries of travel; and, when the caravan was ready to depart, revealed to Shirley the dangers which awaited him, and the measures he had taken for his preservation and success; confirming these assurances by the delivery of a great sum in gold, and many rarities of great value; so much in the whole amount, that Shirley declines to mention it, because he says it would not be believed. The Florentine left it to his honour to repay him when he could; and, for five days after the departure of the caravan, diverted suspicions of his escape by living in Shirley's house, to whom he pretended to have lent his own, that he might recover in more quiet from a fit of illness; he even requested the governor for his physician, knowing he had none; but was afterwards fined severely for these generous collusions.

'Fifty Janisaries were sent in pursuit of Shirley, but missed the caravan; which employed fifty days on the march to Casbin; where the aids of Spiciera enabled Shirley to equip himself and followers in sumptuous array, to live splendidly, and to make presents; which procured commendations to Shah Abbas, who arrived at Casbin a month after, and was saluted by Shirley and his company at his entrance into the city, when the king distinguished him with the most honourable notice. The next day Shirley sent the king a present of jewels and Italian rarities, which were not only curious, but costly beyond the expectation of homage; and the more he professed that he had come to offer his service on his own account, and at his own expense, the more the king inclined to believe that the denial was intended, by concealing, to heighten the elegant compliment of his monarch; and at all events, could not resist the complacence of regarding the resort of this band of strangers as a signal proof of the great extent of his own fame, which Shirley took care on all occasions to inculcate.

'It was the way of Shah Abbas, to discern those he employed by familiarities. Shirley was solemn in behaviour, pompous in elocution, quick in apprehension, and guarded in argument; and having served both at land and sea, was capable of suggesting the military ideas of Europe; which could not fail to attract the attention of a monarch whose ruling passion was the fame of war: he even visited Shirley in his house, to examine a book of fortifications; and having, during a daily converse of six weeks, treated him more with the respect of a guest than the distance of a solicitor, on the very day before his departure to Cassan, declared him a *Mirza* or lord in his service, and referred him to the treasurer; who, as soon as the king was gone, sent to Shirley a present, which consisted of money to the amount of sixteen thousand ducats; forty horses, all accoutred; two, intended for his brother and himself, with saddles plated with gold, and set with rubies and torquoises; the others, with silver and embroidered velvet; twelve camels laden with tents, and all furniture, not only for the field, but for his house in Casbin, which likewise was bestowed on him: he was ordered to follow the king to Cassan, from whence he accompanied him to Ispahan, and was treated by him with the same deference as before he had accepted his service.

'Daily and artful suggestions prepared the way to the advice which Shirley had long premeditated, that the king should renew the war against the Turks, and depute an ambassador to excite the princess of Christendom to cooperate by land and sea from the west, whilst Persia invaded the Turkish territories on the east: this commission Shirley designed for himself, but avoided the mention. Nevertheless, this intention was penetrated by the vizir, and several other of the principal noblemen, who said that the proposal was the artful scheme of a needy adventurer, seeking the sumptuous enjoyment of exalted fortune at the risk of an empire; but the king inclined to the war, which he regarded as inevitable; and reasoned, that if the mission of Shirley should be ineffectual, the detriment would be no more than the loss of the expense, which he foresaw would, even in this event, increase the reputation of his magnificence, without diminishing the solid estimation of his abilities.

'The next morning the king went to Shirley's house, and entered fully into the discussion of the war and embassy to Europe, affecting to expect little hope from it, but to comply merely as a testimony of his extreme regard to Shirley, from whom he had received such undoubted proof of his own, by the fatigue and expense of his journey to Persia, and the risks to which he now offered to expose himself for his service. Shirley, in a very long discourse, explained all the probabilities of his plan:—that the emperor of Germany was already at war with the Turks; that the Pope would excite all the other catholic princes; that the king of Spain was at continual enmity with the government of Algiers, which was subservient to the Turkish empire; that the invitations of the king would attract merchants and christians of all other arts,

trades, and occupations, who would not only increase the commerce of his country, but introduce new methods and inventions of great utility, especially to the improvement of his warfare; and that the liberal schism of religion, which the king wished to promote as a descendant of Sefi, between his own subjects and the Turks, would be encouraged by the intercourse of christians, whom they would be accustomed to see drinking wine, and exercising other tolerances, which the Turks held in detestation.

'The king still cautiously avoided any expressions which might indicate much expectation, or any solicitude of assistance from the christian princes; in which he properly maintained his own dignity, by not trusting to the report of a stranger such a confession of the hopes or wishes he might entertain; but appeared much content with the probability of drawing European merchants to his country; for the increase of its trade had long been a principal attention of his government. On this ground he consented to the embassy, and required Shirley to undertake it; who, after many apologies of his insufficiency, accepted the commission with as much satisfaction as he had pretended diffidence. Shirley requested, that a young nobleman of distinction, named Assan Cawn, might accompany him, to be the witness of his conduct; which was granted, but soon after revoked, by reason of his marriage with an aunt of the king; when Shirley, to conciliate the vizir, and other ministers, accepted Cuchin Allabi, a man of ordinary rank, and suspected character. As Shirley could not pass through the Turkish dominions to Aleppo, excepting in disguise, it was resolved that he should proceed through Russia; which at this time was so little frequented by travellers, and so suspicious of them, that the king sent forward one of his officers as an ambassador to the Czar, in order to announce his mission, and to procure him good reception through the country.

'The day before the day appointed for his departure, the king visited him, as if to recapitulate all the points of the various negotiations which he had entrusted to his conduct; and now, with his usual foresight and sagacity, broke his last proposal, which, although dictated by warrantable suspicion, he clothed with the garb of elegant compliment. It was, that Robert Shirley should remain at his court during his brother's absence. Robert was present; and, without waiting his brother's answer, proffered himself to remain. This resolution produced a new arrangement in the retinue of Anthony; and several of his English followers were left with Robert. The king, as the last compliment, according to Shirley's relation, rode with him, when he set out, six miles on the way from Ispahan; and then, he says, took leave of him, not without tears; although they had never spoke to one another, but through an interpreter.

'The travellers were two months, not without evil chances, before they had passed the Caspian to Astrachan, where they found the ambassador sent to the Czar.' pp. 381—390.

The tracts on the people of Hindostan contain much information, and are drawn up with great clearness. The author justly

observes, that 'all general ideas are subject to exception;' and, in fact, we do not always agree with him; but we have not time to enter into any detailed exposition of our ideas on the points of difference. Certainly a very unfavourable impression of the Indian character will be produced on the minds of his readers; although, we fear, an impression but too just. The following are the author's concluding reflections on this subject,—reflections less remarkable for originality than for truth.

'Having brought to a conclusion this essay on the government and people of Indostan, I cannot refrain from making the reflections which so obviously arise from the subject.

'Christianity vindicates all its glories, all its honours, and all its reverence, when we behold the most horrid impieties avowed amongst the nations on whom its influence does not shine, as actions necessary in the common conduct of life: I mean poisonings, treachery, and assassinations, in the sons of ambition; rapines, cruelty, and extortions in the ministers of justice.

'I leave divines to vindicate, by more sanctified reflections, the cause of their religion and their God.

'The sons of liberty may here behold the mighty ills to which the slaves of a despotic power must be subject; the spirit darkened and depressed by ignorance and fear; the body tortured and tormented by punishments inflicted without justice and without measure: Such a contrast to the blessings of liberty, heightens at once the sense of our happiness, and our zeal for the preservation of it.' p. 454.

We could much wish, however, that the writer had entered a little more deeply into an examination of the causes of those evils which he here deplores, and, above all, into the means of remedying them. The legislators of India are under imperious obligations to bestow far greater attention, than they have yet thought proper to allot for that end, on the condition of their Asiatic subjects. It is a condition, in many respects, degraded and deplorable. The Hindoo character seems deficient both in energy and in principle; while all that the Mahomedan possesses of the former is employed in showing his contempt for the latter. To improve the state of these men, to exalt them in the scale of rational beings, to give them knowledge and morals, is therefore an object highly to be desired. We know, indeed, that some persons are for cutting very short all the niceties of this subject, by imputing all the misfortunes of Asia to its connexion with Europe, and by maintaining that one grand revolution in the whole system of our management in India, is the only event from which that quarter of the world can expect any relief. A country governed by a nation of foreigners at a distance of twelve thousand miles, is certainly not in circumstances the most favourable that can be conceived; but, without entering far into the

subject, we will venture here to lay down this canon, that, if we expect any great improvement of the condition of our Asiatic subjects, within any reasonable time, from regulations simply political, we mournfully deceive ourselves. No repeals, no enactments of a political nature will effect this mighty object. Nothing will do, but the direct importation of that knowledge and those arts, which India so much wants, and so little desires.

It will be understood that, in somewhat expanding this sentiment, we are in no way committing ourselves on the important question, by what constitution we may best govern our dependencies in Hindostan. We have by nature, or by second nature, a sore antipathy against all *exclusive companies*, in themselves—whether they are social, commercial, or political; yet we know that these are sometimes necessary plagues, and that a discussion respecting them, especially when they are once established, involves a vast variety of considerations. With respect to our Indian system, on a slight review of it, we should be apt to say, that, on the whole, commercial reasons seem to be against it, and political reasons in its favour. But there are some vulgar misconceptions with regard to the influence of this system on the native population of British India, to which we cannot but advert. This influence is supposed to embody itself in two crying evils,—the oppression of our Asiatic subjects during the residence of the British among that body, and the drain of Asiatic wealth at their departure.

That the charge of oppression against the Anglo-Indian residents had at one time more foundation, cannot be questioned. The representations indeed of this matter were much exaggerated,—but, after the average allowance for parallax and refraction, differed from the truth by no considerable error. At present, the increased light that has for some time prevailed through the various departments of the Company's governments, the reforms that have taken place in them, and, much more than all, the state of the judicial department, have materially altered the case. To enlarge here on the items of this statement, even were it possible, is not requisite. It is enough to say, that to suppose the existence of such monstrous abuses as are frequently charged on the constitution of the government alluded to, under the very eye of a pure and efficient system of judicature, is against all reason. The calamities which afflict our fellow-subjects in Hindostan are of another kind, and have another origin.

On this topic there is much misconception of facts; on the other subject of charge—we mean, the drain of wealth which India sustains by her dependence on this country—there is equal absurdity of reasoning. The true *nidus* of the erroneous senti-

ments that have so often been delivered on this point, and delivered too occasionally in Parliament, we take to be an old pithy saying, with which the echoes of Change-Alley are familiar; namely, that *money should be spent where it is made.* This sapient adage we shall leave unmolested, except by humbly intimating, that there is some little inaccuracy in calling the mere *removal* of wealth, which has been fairly earned, so much clear *loss;* since the very circumstance of its being *earned* implies, that, when first appropriated by an individual, it was replaced by some equivalent, either in labour, or in a more tangible shape. A similar remark applies to this supposed drain of the resources of Hindostan. The fortunes acquired in that country, are ultimately remitted home in the shape of commodities; and if not remitted home, they would be expended in the purchase of commodities on the spot. What difference then can it make, whether an unproductive labourer, (for such, commercially speaking, is a wealthy retired gentleman), having once purchased a given quantity of the raw or worked produce of a country, consumes it in one place or in another, if, in both cases, it be consumed by himself? None, evidently, as to the effect produced—excepting that the scene of consumption gains a clear addition to its stock in his old clothes, and the refuse of his table. It is true, that the kind of commodities which his wealth is expended in purchasing, is not in both cases the same. If he remits his gains home in the form of mercantile articles, his fortune must have, in the first instance, found its way into the hands of the Asiatic artisan; if he lives abroad, it is, in the first instance, employed in buying palaces and bungaloes, and maintaining grooms and elephant-drivers. The question which we are considering cannot fail to remind the reader of the absurd lamentations, which we not uncommonly hear, on the calamities sustained by the Irish exchange, from the remittances of wealth to Irish absentees in England. Still we do not deny, that the perpetual efflux of men of wealth and influence from Hindostan, is, in many respects, a real evil; as the absence of great landed proprietors from their estates is a real evil. All we contend for, is, that of these evils the positive diminution, and the ultimate failure of the means and produce of British India, cannot form a part.

British India, therefore, has no reason to look with particular jealousy on the mother country: we wish that her inhabitants experienced as little unkindness from themselves, as they receive at the hands of their British masters. The ignorance and the vices now habitual to that class of men, must be removed, before we can hope to make them happier; and these, we repeat it, will never be removed, by regulations of a nature simply political,

whether these regulations immediately affect the Company's servants or their Asiatic subjects. England ought, we are satisfied, to make strenuous and *direct* efforts to instruct the native population within her dominions, to enlarge their minds, and to refine their morals. Not a single effort of this kind has hitherto been made; none, at least, worthy of notice.

A state of Society is, perhaps, conceivable, in which more, or, at least, not less, may be affected, by diffusing the light of knowledge and morals by political provisions, which, gradually introducing the forms of free government and refinement, and scooping out all the channels of improvement, may induce the latent energies of a people tacitly to develop themselves, than by *immediate* attempts to disseminate knowledge and to create a spirit of improvement. A savage may, in some cases, be more manageable by discipline than by doctrine; and this certainly is the condition of infants, who may be regarded as savages in epitome. The first division of the common lands of a rude tribe into separate portions, though a measure adopted perhaps capriciously, and without any distinct prospect of the advantages likely to come from it, would produce the most important effects on the manners and habits of the uncivilized proprietors. But when a community is already organized, when customs have long been fixed, to readjust or remodel existing institutions requires great delicacy of hand; for this is to repair a machine in motion. Sudden alterations, could they be made safely, would be made in a great measure fruitlessly: Society, however changed, by a sort of *imperfect elasticity*, reverts part of the way to its ancient position; and it is only by a tedious succession of short movements, a small portion of every successive impulse being sacrificed, that any great and permanent revolution can be effected. Besides this, the experiment is doubtful: Evils, by the lapse of time, become squared and adapted to each other, and acquire a kind of practical fitness; so that, to remove an evil, is not always to mend matters. Surely, in such a case, the most eligible course is, to transfuse through the mass of the people the *vis vivax* of knowledge and virtue, which will far more quickly and completely bring to pass the desired improvement, than all the municipal regulations in the world. Forms (we say with Mr Hume) are not indifferent; but then their use is, not so much to rouse a dormant, as to enshrine and perpetuate an existing spirit of moral and intellectual improvement. They must preserve it, rather than create it; they must follow, not lead.

The propositions we have enunciated are not new; but they apply most emphatically to the question before us. The calmly obstinate attachment of the Hindoos to their usages and institu-

tions, has passed into a proverb; and though perhaps somewhat shaken, it is still strong. Every thing among that people is regulated by the *mos majorum*, and the book of precedents. With respect to the majority of them, this prejudice, we may observe, is not, like that of the Bramins, a prejudice founded on a clear conviction that their institutions are indissolubly connected with their own interest: It is a mere *animal* affection, not a sentiment; it is not the force of gravitation, but that of *inertia*. Now, such a prejudice as this, at once sturdy and irrational, is of a sort to combine in itself, in the highest possible ratios, the two properties of resisting a direct, and of yielding to a circuitous attack. It cannot be forced; but it may be cheated. The institution of *castes*, for example, which so preposterously graduates the whole Hindoo community, could not perhaps be effectually destroyed by a series of merely political contrivances, in some centuries; but when once a large quantity of knowledge and moral feeling can be communicated to those that grovel at the foot of the scale, their frightful and fantastic distinctions will quickly and silently disappear; for a people worthy of freedom can never remain slaves.

Of considerations so obvious as these, it may be inquired—an inquiry certainly at least as useful as it is curious—whence it happens that they have not more imperiously forced themselves on the notice of the legislators of British India? Without declaiming on the defect of foresight and the scantiness of principle too frequent among rulers—topics which yet might afford room for something more solid than declamation—we shall notice one circumstance that may, in the present instance, have tended to throw into the shade the momentous truths, of which we have attempted so rude a delineation. It has been the fortune, perhaps in some respects the *good* fortune of India, to receive laws from a nation infinitely superior to herself in knowledge and in social morality; and hence her internal constitution has acquired some improvements which, by the mere development of its own energies, it could not very speedily have received. Of the advantages thus obtained, the greatest is evidently the upright administration of public justice; for although, in this department, much may be effected by the vigour of an enlightened despot, yet, in the natural order of things, the jurisprudence of a country can never be secured in its purity, until the judicial power be laid at the feet of public opinion. India, however, has derived her judges and her counsellors from the West; men, not only furnished with those ideas and feelings which can be matured only among a free and enlightened people, but also exercising their functions, though at the distance of so many hundred leagues,

under the eyes of their countrymen at home. In this manner she has received some warmth of light from the very reflection of British liberty; and the populace of England may be said, unconsciously, to have become guarantees for the rights of their fellow-subjects in the East. But it should never be forgotten, that the benefits thus circuitously conveyed, are necessarily of limited extent; the pure administration of justice, though a good thing, is not every thing; in the civil constitution of that country, a hundred evils remain unremedied, and perhaps by any political provisions irremediable; nor is it unimportant to remark, that the very circumstance of the governors of India being foreigners, must necessarily render them singularly tender and scrupulous in endeavouring to organize afresh that distorted frame of society, which has so thoroughly warped and choked her natural capabilities.

We have now taken a rapid view of this subject, and can only leave it to the consideration of those who have a proper feeling of its importance. Whether our sentiments are just or not, of this we feel confident, that we do not overrate the magnitude of the questions at issue. India has long been considered, by all well-informed men, a vital member of the British empire; as a brilliant theatre for our prowess, and an efficient source of our wealth. How ardently is it to be wished that the time may arrive, when it shall be rather quoted as a scene of more solid glory,—as distinguished by our paternal government, and our triumphs over ignorance and barbarism!

ART. X. *Observations upon the Marine Barometer, made during the Examination of the Coasts of New Holland and New South Wales, in the Years* 1801, 1802, *and* 1803. By MATHEW FLINDERS, Esq. Commander of his Majesty's Ship Investigator, in a Letter to the Right Hon. Sir Joseph Banks, Bart. K. B. F. R. S. &c. &c. &c. (*From the Phil. Trans. Pt. II. for* 1806.)

THESE observations are of considerable importance, both to meteorological science, and to the practice of navigation. In the former point of view, we look upon them with peculiar satisfaction, as tending to remove the stigma so long attached to meteorology,—that it is wholly conversant in details, and unconnected with general principles. These observations of Captain Flinders are by no means liable to such an imputation. He kept a regular journal of the weather by three daily notices; but he has selected from his dairy only such parts as can be

compared and classified, and as lead, of consequence, to some general conclusions. The value of his remarks to the practical navigator is equally apparent; for the rough statement of his general inference is, that he furnishes a kind of test, whereby the neighbourhood of land may be ascertained in unknown seas, and gives us a new means of correcting some former criteria of changes in the weather. Captain Flinders collected his observations during a voyage of discovery in which he was engaged. After bringing it to as satisfactory a conclusion as certain untoward circumstances would permit, he was most unfortunately captured, and carried into the Isle of France, from whence the interesting communication before us is dated. It gives us real satisfaction to think, that, after so many hardships, his long captivity is now likely to be ended, in consequence of the good understanding which, so much to the honour of both parties, has not ceased to subsist between the Royal Society and the National Institute. The marine barometer, with which these observations were made, was one that had been used in Captain Cook's voyages. Its height was regularly taken at day-break, noon, and eight in the evening; as was also the height of the thermometer.

The most important inference to which Captain Flinders has been led by his observations, relates to a connexion between the rise or fall of the barometer, and the direction of the wind in respect of sea or land. He has found, almost universally, during his examination of the New Holland coasts, that for some time previous to the wind shifting, the barometer was affected; that when the wind blowing from the land veered round and came from the sea, the mercury rose; that a contrary change of wind sunk it; and that, although these changes of the barometer did not always arrive at their *maximum* until the corresponding changes in the direction had taken place, yet the approaching change of wind might be in general predicted from an incipient rise or fall of the mercury. In proof of these conclusions, he has rather given us specimens of his most decisive observations, than a display of the whole evidence by which he was led to them; for, indeed, this would be equivalent to a copy of his journals. And among the specimens which he has selected, we shall mention one or two of the most striking, in order to show on what kind of proofs his inferences rest.

We consider the two observations which follow as peculiarly conclusive. They are taken from the navigation of the south coast. Three degrees to the E. of Entrecasteaux's Archipelago, the wind blowing from E. S. E., the mercury fell to 29.65, and, in two hours after, the wind came from W. N. W. very light. The

wind then veered round to S. S. W. clear of the land, and the mercury rose to 29.95, though the wind was strong and the weather thick. As the wind shifted round to S. E. it rose to 30.16, and the weather became clear. This was altogether a sea wind; but, though the fine weather continued, the mercury fell again to 29.73, on the wind passing round to N. N. E., which was off the land. The wind then shifted once more to S. W.; and though it blew fresh, with thick weather, the mercury began to ascend, and performed the same revolutions of rise and fall, on the wind and weather going again through the same routine.

In going up one of the inlets on the southern coast, they had fresh breezes from S. S. W. to S. S. E., with both clear and thick weather; but the mercury rose gradually from 30.08 to 30.22. A land wind, with fine weather, sunk it to below 30; and it fell to 29.56 when the wind became variable. The wind then blew steadily from the S.; and this was preceded by a rise of the mercury to 29.94; it continued rising to 30.28, and fell to 29.90 on the wind becoming variable, and then falling altogether. After this calm, the mercury began to rise, and a gale came on. The gale began in the N. W., but shifted suddenly to S. S. W., where it continued with much violence, and the mercury rose to 30.25.

From such observations as these, it appears that a land wind on the south coast made the mercury fall, and a sea wind caused it to rise, without any reference to the thickness or clearness of the weather. So satisfied was Captain Flinders of this position, that on one occasion he seems to have regulated his conclusions respecting the direction of the coast according to his barometrical observations. For, on the coast of the Isle of St Francis of Nuyts, finding the mercury standing much lower than it ever had done before with easterly, and chiefly S. E. winds, he concluded that the land must trend more to the southward than had been supposed. The coast was then unknown to him; but his subsequent navigation proved that the conjecture was well founded.

In case the foregoing inferences, drawn from observations on the south coast, should be affected by the direction of the winds, and not by their reference to the land or sea, Captain Flinders proceeds to give us the result of his observations on the east coast of New Holland. The evidence afforded by his barometrical journal, during a stay of ten weeks at Port Jackson, is peculiarly conclusive in favour of the inferences afforded by the navigation of the south coast. Easterly winds, almost always accompanied with rainy and squally weather, were foretold and

accompanied by a rise of the barometer. The mercury generally stood, during their continuance, at 30.20; higher if the wind came from south of E. S. E.; lower if it came from the north of that point. Settled winds from W. N. W. and S. W. with fine weather, made the mercury fall, and during their continuance it stood at 29.60; and Colonel Paterson, commander of the troops at Port Jackson, and a Fellow of the Royal Society, has, it seems, adopted a rule of foretelling changes of weather the very reverse of the common one. He always expects bad weather when the mercury rises, and fine weather, with westerly winds, when it falls. It is to be remarked, that the very winds which raised the barometer on the south coast, viz. W. S. W. and S. W., caused it here to fall; and those which lowered the barometer on the south coast, viz. N. E., caused it here to rise. On both coasts, winds from S. S. W., S. E., and round to E., raised the mercury, being in both cases sea winds; while winds from N. round to W. N. W., being land winds, in both cases made the mercury fall on both coasts.

On the results of these observations, and of the foregoing comparison between the journals of the barometer on the two coasts, Captain Flinders justly placed great reliance. He seemed to have established it as a general fact, that in those seas the rise of the mercury was an indication of an approaching sea wind; and its fall, of a wind from the shore. It is very easy for us, speculating in our closet upon the theory of winds and their connexion with the barometer, to talk of drawing a general inference on this subject *with confidence*. But when the philosopher chances to be a seaman on a very dangerous coast, it will be admitted that the strength of this confidence is put to a test somewhat more severe; and we find, nevertheless, that Captain Flinders staked the safety of his ship, and the existence of himself and his crew, on the truth of the above proposition. We formerly (No. IV. Art. *American Transactions*) gave a remarkable instance of the prompt and successful application of scientific inquiries to a practical purpose, in our account of Mr Strickland's admirable remarks upon the use of the thermometer to navigators in the gulf stream. The following passage, which we extract from the paper of Captain Flinders, is equally interesting in the same point of view.

'The barometer was of great service to me in the investigation of this dangerous part of the east coast, where the ship was commonly surrounded with rocks, shoals, islands, or coral reefs. Near the main land, if the sea breeze was dying off at night, and the mercury descending, I made no scruple of anchoring near the shore, knowing that it would either be a calm, or a wind would come off the land; but if the

mercury kept up, I stretched off, in the expectation that it would freshen up again in a few hours. Amongst the barrier reefs, when the wind was dying away, the barometer told me, almost certainly, from what quarter it would next spring up. If the mercury stood at 30.15, or near it, and was rising, I expected the proper trade wind; and, if higher, that it would be well from the southward, or would blow fresh; and, if it was up to 30.30, both. The falling of the mercury to 30.10 was an indication of a breeze from the north-eastward; and its descent below 30 inches, that it would spring up, or shift round to the westward. This regularity of connexion between the barometer and the direction of the wind, is perhaps too great to be expected at a different time of the year; and it is probable, that we should not have found it continue so strictly, had our stay amongst the barrier reefs been much prolonged.' pp. 251, 252.

During Captain Flinders's navigation on the north side of New Holland, the state of the ship, which was disabled, or rather worn out by hard service, obliged him to return before he had nearly completed his examination of that coast. His observations on the barometer, therefore, are much less perfect in this branch of his voyage, and are, besides, less satisfactory, from the smallness of its variations in that low latitude. One general conclusion was, however, pretty uniformly presented by them. Winds from N. and N. W., which made the mercury stand lower than any other on the south and east coasts, raised it on the outer part of the north coast even with worse weather; while winds from S. E., which made the mercury stand highest on the south and east coasts, depressed it on the north. It appears likewise, that the S. W. wind raises the mercury on the south and west coasts, depresses it on the east, and makes it fall lower than any other on the north. Captain Flinders observes, very justly, that in considering these general facts, we should keep in view the different effects which different winds produce on the barometer at sea in the southern hemisphere, when no land is near enough to affect their course. It is known that a south wind, in such circumstances, tends to raise the mercury, and a north wind to depress it, probably from the greater density of the air carried by the former; and, in like manner, an east wind raises, and a west depresses the mercury,—from what cause it is not so easy to discover. These circumstances must be kept in view, as modifying the conclusions which we may draw from barometrical observations, where the vicinity of land interferes. Thus, when a south wind appears on the north coast to depress the mercury somewhat, and a north wind to raise it we must consider that the *real* effect of the land is much greater than this difference; because, were there no land in the neighbourhood, the south wind would raise the mercury, and the north would depress it.

Captain Flinders gives an ingenious and very sensible theory to explain these effects of land and sea winds. He thinks the first portion of air brought in from the sea is forced upwards by the land which it encounters; but in a slanting direction, along the inclined plane of the land: The next portion is stopt and pushed upwards in like manner, but has a shorter space to pass through; inasmuch as the former portion goes along the two sides, and the latter along the third side of an obtuse angled triangle: The succeeding portions of air, in this manner, meet the summit of the land before the first portions, and cause the latter to eddy and stagnate; therefore, a stream of air in blowing above this portion in a slanting direction, and compressing it to a great degree, its density is thus increased. Captain Flinders has not given us any means of bringing this explanation to the test, by observations on two points, which would nearly decide the matter; *first*, the effects of distance from the shore; *secondly*, the effects of various kinds of coast. If his theory is just, the sea wind cannot raise the mercury at any great distance from the shore, and must raise it to different heights at different distances; and this range must be affected by the height of the land against which the wind blows. It is needless to add, that both Captain Flinders's theory, and this remark on the means of proving or disproving it, apply conversely to the effects of land winds in depressing the mercury.

This interesting paper concludes with some general remarks, calculated to assist practical navigators in the judgments which they may form of the approaching changes of weather, or of wind, by consulting the barometer. Of these it is not necessary to make any abridgement. But we cannot close this article, without expressing our sincere regret at the confinement which Captain Flinders has already undergone, in addition to the necessary hardships of his undertaking; and our hopes, that a speedy release may restore him to his country, and to the republic of science, which he is so well qualified to serve with distinction.

ART. XI. *Reasons for not making Peace with Buonaparte.* By WILLIAM HUNTER, Esq. 8vo. pp. 78. London. Stockdale. 1806.

THIS is indeed but a middling pamphlet; and we admit that an apology is due to our readers for inserting an account of it in this Journal. This apology, however, is very easily found, in the nature of the subject, and the lamentable extent to which the

prejudices of the author prevail. It is too true, that the bulk of the people in this country hold the same opinions which Mr Hunter has very unnecessarily recommended, by wrapping them up in a great deal of indifferent eloquence. The cry which he makes against peace, is, we fear, still the war-hoop of a vast proportion of our countrymen. No doubt they will open their eyes, in the course of time, to the folly of such sentiments; but much, perhaps irreparable, mischief may be done both to this country and to the continent, while the delusion lasts; and it is the duty of all good citizens, who do not suffer under the same malady, to contribute their endeavours towards accelerating the cure of their less fortunate brethren.

As to Mr Hunter, we believe he is, like many of the partisans of eternal war, a perfectly well-meaning man. From a retrospect of his former pamphlets, we find him also to be a consistent one. We respect him as such; and our respect is proportioned to the value of honesty and consistency in political writers, and to the rarity of such qualities in the present times. We differ, however, with him in every one sentiment which he expresses on this grave subject; and we have the additional misfortune of not admiring the manner in which he brings forward his opinions. If we enter a little into the question, (and we shall touch upon it at no great length on the present occasion), let it not be said that we are devoting the pages of a literary journal to discussions of party politics, and to the shortlived topics of the day. The question at issue is one of universal occurrence in the affairs of nations, as it is one of paramount importance; for there is nothing in Mr Hunter's *arguments* (may we call them?) against peace, which will not apply to every war as well as the present; and if we are to blame with him the late attempt at negociation, we see no grounds upon which any effort to rescue mankind from the first of all evils, can ever be defended.

Mr Hunter's leading position is, that peace with France must not be thought of while her present chief magistrate has any influence in her affairs. After stating this generally, and exhorting the country 'to throw away a useless scabbard, since we can only sheathe the sword to our shame or our destruction,' he suspends the reasonings 'on which he has founded an *unalterable judgment*,' in order to insert a laboured panegyric upon the third coalition. Into this field we have no mind to follow him. In truth, we find ourselves bewildered at the outset; for if that league 'was the most formidable that ever sprang up in the European commonwealth'—if it was 'of all leagues the one which appeared best calculated to ensure a successful issue'—if 'every thing was

done towards its success which depended on England'—if 'no precaution on our part was overlooked—no arrangement or combination wanting—nothing omitted which political sagacity could accomplish or devise,' we are altogether at a loss to fancy how it could have failed. Mr Hunter, indeed, gives us a long harangue against success, which, it would appear, is a matter of no importance in politics; and he adds the following sentence, in which we entirely concur, so far as we comprehend it. 'All that depends on man,' says he, 'in speculating on the contingency of future events, is, to *deliberate coolly*, to resolve firmly, to rouse inactivity, to *repress rashness*, to *weigh times and circumstances*, to quadrate *ends with means*.' (p. 8.) This contains, we believe, the whole secret of our failures in continental affairs; and we find, at least, as good a reason for the ruin of the third coalition, in the above description of how it should have been formed, as in our author's subsequent commentaries upon the history of its fate. According to him, this best of possible plans miscarried from the unlucky concurrence of *seven* impossible events, together with the 'total absence of common sense' on the part of the enemy. Now, as this account of the matter is extremely ingenious, and as our readers may probably think it impossible for any man to print such a thing, we shall extract the following passage, to convince them of its existence.

'Had even one of those chances, which followed each other with such rapidity, and which no human foresight could imagine, failed, Buonaparte was undone. The defection of the elector of Bavaria; the premature movements of Austria, both in point of distance and time; the cowardice or treachery of Mack; the hesitation of the King of Prussia; the stupidity of the prince of Auersberg; the indiscretion of the Emperor of Russia; and, lastly, the treaty of Presburg;—such was the development of events, which, before they happened, appeared placed beyond the verge of possibility, and which yet were all indispensably necessary to Buonaparte's success. Is then Mr Pitt, who had so little to do with the execution, to be made responsible for such disasters; or can they, on any just grounds, be ascribed to the ascendancy of Buonaparte's genius? Allowing him, as I readily do, every credit for his celerity and decision, I cannot but think that his conduct, in other respects, was strongly illustrative of a total absence, not only of political sagacity, but of common sense. People say—he was still successful. He certainly was—But how often is success a false criterion to judge by? and, in this instance, it does not in the least exonerate him from the charge of the most irrational temerity. I say, and I ever will say, that Buonaparte,' &c. &c. pp. 10, 11.

Now, we conceive that Mr Hunter, and the large body of the people whose sentiments he speaks, are reduced to a very troublesome dilemma, when they at once extol the wisdom of the third

coalition, and cry out for more wars. If that scheme was perfect in itself, and yet entirely failed, what hope can we entertain of any other succeeding? Do not these well-meaning and high-spirited persons admit that peace is worth a trial, when they argue that all the genius and wisdom of man have been exhausted in vain upon plans of war? Really they must not expect to maintain in security incompatible positions, to feed the country with new hopes from new coalitions, and to cram it at the same time with the paradox, that the former leagues were faultless. But then, it will be said, this is no answer to those who, upon the principle of Demosthenes, would raise the spirits of the people for new attempts, by proving that the failure hitherto has been their own fault; and those who expose the errors of the third coalition, may be called upon to admit the possibility of trying a fourth under the influence of wiser principles. The answer is very simple and short. If the third coalition failed, chiefly because it was premature, a fourth was not likely to succeed nine months after Austria had been ruined. And where are we now, a few weeks after the annihilation of Prussia? If, unhappily, we must continue to wage war until Mr Hunter's *sine qua non* is obtained, viz. the political death of the French ruler, or, '*at least*, a material diminution of his power and success, the dissolution of all his dependent governments, and the deposition of all his mushroom kings;' let us open our eyes to the kind of hostility which we must expect, and not for the fifth time expect, what is a thousand times more chimerical than ever, the liberation of the continent by any efforts of ours. Let us fairly look at our case, and not talk of war as the means of humbling our enemy. If we must make war, let us deplore the hard necessity; but if we wish to avoid disappointment, and indeed disgrace too, it will be prudent not to conceive the least hopes of bettering our condition by it. To hear such men as Mr Hunter talk of freeing Europe, and humbling France, one would really think that ships could sail by land, and take strong places among hills and woods. That our enemy, having almost all Europe at his feet, and reducing to act on the defensive the little which remains unconquered, should be subdued in Tobago or Pondicherry, and compelled to receive terms from us, in virtue of the number of sugar canes which we hold, is among the less revolting positions of the party for whom Mr Hunter speaks.

But this enemy of ours—it is not very easy to perceive why—whether that he wished for repose, or had thoughts of gaining a colonial and commercial superiority, or from whatever motive—offered to treat for peace. The bare idea of negociating with him shocks our warlike politician. He is perfidious and cruel,

and full of ambition, and a tyrant both at home and abroad;—in short, Mr Hunter makes him out to be worse than the worst of mankind. But he is not content with this,—and he will have him also to be a very little genius. On this subject he is, he tells us, very sore; whether from any personal rivalry, he does not say, 'When I hear people prostituting the epithet of *great*, in its application to Buonaparte, I confess that I feel a mixture of horror and indignation which no language can communicate.' And then we have the old schoolboy story, of true greatness being this and that; and, in short, whatever excludes from all title to the name, all the men who have ever been admired for their talents and fortunes. In this, as in other parts of his tract, our author introduces personal anecdotes, without quoting any authority; and though we have no doubt he believes them himself, yet we cannot help remarking that they are mere common stories, which may be either true or false. The worst of these anecdotes is, that some of them tend manifestly to keep up the vain hopes of the people of this country, and will therefore be credited upon the slightest authority. Such are the stories of the army at Boulogne having treated 'his gasconades against England with becoming levity and ridicule,' (which Mr Hunter thinks was the cause of the war against Austria) p. 12.;—of Buonaparte *never daring* to enter Vienna while he was near it, (p. 14.);—of the *most mournful silence* which prevaled at his coronation, and all but the lowest rabble refusing to go to the theatres, though these were thrown open at the public expense, (p 29.):—of every one in France praying for his defeat, and lamenting his victories, (ibid.); —of the audience in the theatres showing the most *sarcastic contempt* when any allusions were made to his triumphs, (ibid.);— of his not only cutting the tables and breaking the windows in the Tuilleries (which may be true, though it is not proved by merely going there and seeing the tables cut and windows broken, (p. 24.); but tearing to pieces the treaty made by Lord Lauderdale, when it only wanted the signatures, (p. 66.); which we know cannot be true, inasmuch as no treaty ever was written. All these stories have a very bad effect; and he who nourishes the people's prejudices by retailing them on light grounds, is greatly deceived if he thinks himself a more true friend to his country, or a more formidable enemy to Buonaparte, than he who tries to open the eyes of the multitude and promote sentiments of a conciliatory nature; or, if peace be hopeless, to prepare them for a generous and dignified warfare.

After declaiming at great length, and we really believe with much honest zeal, against a character, certainly not too much beloved in this country, Mr Hunter alludes, with very just indig-

nation, to his usurpations all over Europe; to the unparalleled success, in short, which has attended his arms and his politics, partly owing to his own talents, partly to the follies of his enemies, and to those of England more than any other;—a subject, we are ready to admit, of very deep regret, and to us of salutary repentance. But our author views it with less temper. He asks,

'Is the public law of Europe to be annulled by the mere mandates of this turbulent upstart? Is the dismissal of hereditary kings from their thrones, and the elevation of base-born scoundrels to their stations, to be regarded as occurrences no longer entitled to resistance, and even unworthy of notice? Are the dissolutions of old governments to be supplanted by the daily innovations of caprice, and the continent of Europe to be bound in the fetters of military despotism, without remonstrance or rumour? Is every corner of the earth to be ransacked for proscribed individuals, to feed the voracity, and, as far as human life can effect it, to glut the base revenge and sanguinary cruelty of this barbarous assassin? The question is—Is all this to be tamely endured, or valiantly resisted?' p. 22.

Now, with much deference to Mr Hunter, we conceive that this is not at all to the purpose; because there is a previous question to be put—'*Can* all this be resisted with the least prospect of success? What will our *valiantly* talking work against all these great evils? Will such valour cost us less than war after war, or buy us more than defeat after defeat?' And this previous question we must put upon every one of Mr Hunter's and Mr Gentz's, and every other writer's motions for new coalitions. To argue the point is quite needless. They never have looked at it. They run headlong to the opposite side of the post, and think that they have arrived at the conclusion in favour of *more wars*, when they have only told us that we are greatly in want of more victories. In truth, it is a pity to see so much talent and zeal thrown away. To prove that France is a great deal too powerful—that the rest of Europe is in a sorry condition—that it would be desirable to undo everything which the enemy has done for the last fifteen years,—and that the world would greatly benefit by the restoration of a better order of things than he has established,—is an attempt somewhat too easy for the aspiring authors of the present age. We venture to point out a theme for them, of more use, at least of much more difficulty. Let them fairly and calmly discuss the question, 'Whether shall we lose or gain most by continuing the present contest, admitting always that we have the choice; and whether the continuance of it is most likely to injure the enemy, or ourselves and our allies?' No war ought ever to be entered upon, nor ought any attempts for peace to be reprobated, without a previous discussion of this great question, with all the calmness which its mighty import renders decent, and in all its

various bearings and branches. The occasion for entering upon this question has too often occurred of late years, and has now once more arrived. We do not, however, purpose at present to undertake so large a discussion. We shall content ourselves with pointing out a few considerations, which ought to be kept in view by those who wish to make up their minds upon the subject.

First of all, they ought to give over that unmanly abuse of a powerful enemy, which Mr Burke so eloquently reprobated in his earlier writings; and which, even in his latter days, he cannot justly be accused of patronizing, because there was then some danger of men running into the opposite extreme. If we are to negociate, let it be in the spirit of peace; and when peace shall be made, let it not be that kind of accommodation between the two governments which did not prevent the two nations from being at war, after the treaty of Amiens. If unhappily we must still wage war, let us, as Mr Burke phrased it, 'fight against Philip, and not rail at him.'* For surely the end of hostility is peace; and unless your abuse can overcome the enemy, it is better not to use a weapon which removes that desirable object to a greater distance.

Next, we must deprecate the modern practice of going to battle blindfolded. It is not enough that we should call our enemy names, in order to increase our hatred of him; it seems we must underrate his force, in order to keep up our courage. The custom, some years ago, was to think that France would not face regular armies. This being unhappily disproved by the fact of her beating them, we still thought the thing impossible, but were obliged to believe it. Then she was in the gulf of bankruptcy, and must disband her forces for want of pay before next campaign. The pleasant invention of '*Recettes Exterieures*' delayed for a while the exposition of this mockery; and to the present day there are many who build castles both in Spain and France, upon no better foundation. The ruin of her colonies and navigation was the next thing that hoodwinked us; and how imperfectly we have recovered our sight in this quarter, may be learnt from the prospects still painted by such writers as Mr Gentz and Mr Hunter, and especially the latter, who gravely assures us that France is utterly ruined for want of money, though she 'has corn, wine, and oil in abundance,' p. 32. Then came the solid argument, that France, being thus half ruined, only exhibiting a factitious appearance of wealth, a new war would ruin her entirely. Austria, however, was ruined in her stead. But Prussia was not Austria; and a number of proofs were soon found out, that the French

* European Settlements.

army had hitherto not met the proper match. This was indeed true; but it did not follow that Prussia should be more strong than her neighbours. And, now that she has been torn from the European body, another illusion is not wanting. We must needs feed upon new hopes from Muscovy. Now, what we pretend to maintain is, that we should once for all give up every expectation of conquering France, or of seeing her exhausted by the war, or of enjoying the spectacle of a restoration of the old government by our fighting at sea, and our allies trying to defend themselves on shore, or of witnessing the political humiliation of that powerful and military people by any commercial difficulties whatever. If we are to fight, let us know the length of our weapon, and the distance of our adversary. To talk of beating some millions of soldiers by campaigning on the sea, is about as wise as to brandish a sword in the air when your adversary is two swords' length off.

Akin to these follies, or perhaps the apology for them, is that cry, so constantly set up, about the necessity of keeping the people in spirits; and this might really have some meaning, if our defence were entrusted to volunteers or a levy *en masse*—if our revenue was raised by voluntary contributions—if our seamen were obtained by the operations of patriotism, or fought without discipline. In that case, it might be worth considering, whether self-defence did not authorize some *trick* for the purpose of animating the country, even although that deception might in the end spread to the rulers who used it, and encourage the people, who were duped by it, in their lust for war. But it is quite fair to consider these natural evils of the self-deceiving system, when we are wisely improving our regular forces, as our only chance of being defended—when our revenue is raised, certainly not by voluntary donation, unless, indeed, people are supposed to buy lottery tickets and drink spirits on public principles—when our sailors are not hurried into ships by their patriotic feelings, but by the more sure operation of pressgangs.

Now, these general considerations, we think, ought to regulate the examination of the great question relative to peace and war; and if they produce their full effect upon the mind of the inquirer, we have very little doubt respecting the issue of the discussion. To apply them in this manner, is not our present intention. We must however observe, that if we only open our eyes to the relative situation of French and English influence on the Continent, we shall be convinced how much less chimerical the idea of conquering France was in 1793, than the dream of delivering Germany is in 1807. Our views of success will then be confined to maritime and colonial affairs; and we shall probably perceive how much more excusable the hopes of ruining the

French resources, by capturing ships and sugar islands, were in those days, when St Domingo had not been lost, and the French navy, both military and commercial, was entire. Extending the same survey, we may possibly discover the difference between hampering our enemy's trade, which is possible, and entirely preventing him from importing and exporting, which no naval superiority can effect. We may also learn, how easy it is to injure a number of individuals without ruining a nation; and how great a difference there is between hurting a nation in its trade, and destroying, or even materially affecting, its military power. From such considerations as these, will arise a suspicion, that there are certain limits to a maritime warfare, carried on against commerce, as long as any nations remain neuter in the contest—that those limits are nearly reached, when one of the belligerent powers has attainted a great superiority—that, beyond them, all is tear and wear, and manifold expense with little gain. It will likewise occur, that, for political purposes, naval power is in its own nature defensive; while military greatness is calculated for attack, and meets with no limits until it has overrun the world. And thus, the inquirer may be led to a very uncomfortable prospect, if he should chance to be resolved against making peace; for, upon comparing the gain of the two belligerent powers by a maritime warfare, he will probably find, that the one pays just as much for defending itself, as the other does for conquering on all hands. If he then turns his view to colonial projects, he will find some little relief. But even here, he may be disposed to guess, that colonies, like gold, may be bought too dear; and, considering how general the restoration of these distant settlements is at a peace, and, indeed, how well supplied we already are with them, a doubt may arise, whether it be not as wise to make peace now, instead of carrying on the war in order to lose some possessions, and gain some equivalents which may buy them back. As money is always the last consideration in this generous and wealthy age, our inquirer will only, in the last place, come to think of the cost. But it will be far wiser to think of it *before* a few years of the most glorious and successful war have brought this part of the question home to him, through the medium of stamps and schedules, and perhaps commissions of bankruptcy, if he be a holder of stock. * Certain other views we leave entirely out of the question; for no man can be so romantic as to expect that any person, now-a-days, will think a-

* Such things, indeed, do not alarm reasoners like Mr Hunter, who gravely talks of the cheerfulness with which he would pay *ten* times the present taxes; which is unfortunately quite impossible.

bout the lives and limbs which a war costs; or the people whom it beggars, when they can no longer pay taxes; or the vineyards and fields, and happy villages which it lays waste. All these things happening many whole leagues from this country, or affecting only the middling orders of the people, are a great way distant from, or far beneath the consideration of our lovers of war. But if they will contemplate the chance of all such evils reaching even to this country, and the certainty of some of them spreading upwards in society, they may possibly add one to the foregoing reasons for excusing all attempts to obtain peace on tolerably good terms for ourselves and our allies. They may rise from the inquiry which we have ventured to recommend, somewhat less delighted with the failure of such wise and virtuous efforts; and, if this good end should not have been gained, they will at least look, with less hazard of being disappointed, towards the prospects which a perpetual war holds out.

ART. XII. *Mercurio Peruano de Historia, Literatura y Noticias publicas.* 12 vol. Lima, 1791—1794.

THE *Mercurio Peruano* was a periodical paper published at Lima in 1791 and the following years. It was the production of a private society associated for that purpose, under the name of *Amantes de Lima.* This society was composed of persons of some consequence and consideration in the place, and of various descriptions and situations in life. Several of its members held offices in the government, which gave them access to the best sources of information on many subjects; and the rest of them were respectable ecclesiastics, lawyers and physicians. The plan of their miscellany was comprehensive. Its chief object was to illustrate the topography and local history of Peru, and to give an account of the arts, agriculture, mines, commerce, and navigation of that kingdom; but it also admitted pieces of poetry and criticism; observations on the character, manners, education and public amusements of the people of Lima; and dissertations on natural history, mineralogy, chemistry, and medicine. The first number made its appearance on the 2d of January 1791; and from that time a paper was published regularly twice a week, till the end of 1794, when it was allowed to drop, in consequence of some of the principal members of the society having returned to Spain. The whole set of papers forms a collection of twelve volumes in octavo, eleven of which have lately fallen into our hands; and as the work is little known in this country, we propose to give a short abstract of some part of their contents.

Soon after the *Mercurio* appeared, a violent outcry was raised against it, and every sort of misrepresentation used to bring it into discredit, and put it down. But the firmness of the viceroy, who declared himself its protector, supported it against this opposition; and its success was at length so complete, and its reputation so well established, that its authors, who had at first concealed their names under fictitious signatures, were encouraged to avow themselves, and acknowledge their respective shares in the publication. From the publicity thus given to the authors of the *Mercurio*, we learn that the contributors to it were numerous; but that the most valuable communications were received from D. Joseph Rossi y Rubi, member of the royal tribunal of mines; D. Joseph Baguijano y Carillo, professor of canon law in the university of St Mark; D. Joseph Maria Egana, superintendant of the police of Lima; and D. Ignacio Joseph de Leguanda, accountant-general of the customs.

Like all works in which many persons are concerned, the papers of the *Mercurio Peruano* are of very unequal merit. But they are in general distinguished by good sense, and freedom from prejudice; and their authors seem to be men of liberal minds. In some of the papers, we should have been better pleased with a plainer and less ambitious style; and have forgiven the authors, if they had been less solicitous about ornament, and dealt less in metaphor.—But we entreat our readers not to form their idea of the defects of the *Mercurio Peruano*, in these respects, from a translation of some of its first numbers, published at London under the imposing title of 'the Present State of Peru.' We can assure them, that whatever faults or obscurities of style or reasoning exist in the original, they are multiplied and augmented, without bounds, in the translation; and we will even venture to affirm, that, whether from ignorance or carelessness, or from both conjoined, a less faithful and more incorrect version of an original was never before obtruded on the public. *

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* That we may not be accused of passing so severe a judgment without cause, we have subjoined a few sentences of the translation, compared with the original, from which our readers will be able to decide for themselves.

Present State of Peru. *Translation.*	Mercurio Peruano. *Original.*
Nature at times enriches them, p. 71.	*La naturaleza algunas veces los engana*, I. 22; nature sometimes deceives them.

We apprehend that the best use we can make of these volumes will be, to extract from them what appears to us most original and interesting in their contents, and, without regard to the order in which our extracts are to be found in the original, to present them to our readers in a somewhat connected form. On a subject so little known and so interesting as the present state of South America, we trust that no apology is required for such a proceeding. Where *our* set of the *Mercurio* is incomplete, we shall borrow without scruple from the *Viagero Universal*, the author of which has compiled his account of Peru from the *Mercurio Peruano*, and the *Guia*, published annually at Lima.

Extent and Population of Peru.

Peru is much less at present than it was under the Incas. It was disjoined from Quito in 1718, and sustained a still greater diminution in 1778, by the separation of Potosi and other provinces on its south-east frontier, which were annexed to the vice-

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Translation.	*Original.*
if we may judge from, p. 80.	*á pesar de*, I. 209.; notwithstanding.
reduced to the sad necessity of toiling for those by whom they were to be succeeded, p. 82.	*hasta el triste estado de echar en suerte el que sirviese de alimento de las demas*, I. 211.; reduced to the sad condition of casting lots, which should be first devoured by his companions.
very much to the purpose, p. 93.	*muy á los principios*, I. 223; very early.
the funds, p. 143.	*los fondos*, I. 95.; lands and houses.
banking houses, p. 144.	*las fondas*, I. 95.; inns.
arraigns the depraved taste, p. 212.	*arrayga el gusto depravado*, I. 28.; confirms or fixes the depraved taste.
somewhat less of violence in the declamations, p. 212.	*menos exercicio en los apuntadores*, I. 29.; less interference on the part of the prompters.
disabused time of life, p. 221.	*ema edad desenganada*, I. 34.; an age past the illusions of youth.
the temple of spring, p. 26.	*temple de primavera*, IV. 15.; temperature of spring.

We forbear, for want of room, to cite some of the passages of the translation most remarkable for inflation and obscurity of diction, and for a total confusion of the metaphors, and perversion of the reasonings of the original.

royalty of the Rio Plata. It extends at present nearly 300 geographical leagues in length, from the river Tumbez, on the north, to the Sierra of Vilcanota, the boundary which separates it from the Rio Plata; but along the coast it stretches about 120 leagues further to the south, to the desert of Atacama. Its breadth is extremely variable, but exceeds not 80 leagues at a medium. Its square contents are estimated at 33,628½ square leagues. It is divided into 49 districts *(partidos)*, and contains 1360 townships *(pueblos)*.

The population of Peru, by the last *census*, amounted to 1,076,122 persons of all ages, sexes, and conditions; but the *census* was made with so little care, and the Indians have so many motives to conceal their numbers, that the returns were considerably under the real population. The highest estimate, however, does not raise the population of Peru above 1,400,000 persons; and the more probable opinion is, that it does not exceed 1,300,000. Four-tenths or more of this population are Indians, The remainder is made up of European Spaniards, Spanish Creoles, Mestizoes, Negroes, Mulattoes, and Samboes. *

The European Spaniards are either persons in office, employed in the military, civil, or ecclesiastical departments of the state, or mere adventurers, without fortune, credit, or connexions, who, in defiance of the laws, have escaped to America, in the expectation of acquiring, there, wealth and consequence. The greater part of this description of emigrants perish miserably, from the effects of their poverty and vices. Of the former class, a great number return to Spain, to enjoy the fortunes which they have acquired; but there are few who marry and leave families in Peru. Such are the effects of the policy which excludes Creoles from offices of trust and honour, and consequently degrades them below the native Spaniards. No man cares to be the founder of a family, who must sink to a lower rank and station than he has occupied himself. †

The Creoles of Peru are said to be mild and humane in their dispositions, and hospitable and kind in their conduct. Their natural talents are good; and where they have the advantages of education, they show an aptitude for learning and science. They are extremely vain, and fond of show and parade; but the greatest defects of their character arise from the lofty conception they entertain of their own superiority, and the contempt they feel for the other casts. These prejudices used formerly to prevent the Creoles and Europeans from engaging in domestic service, or

* Mercur. Peruv. I. 16, 268.—Viager. Univ. tit. 20. 150. 160.
† Mercur. Peruv. I. 283.

following any mechanical profession; so that many useful occupations were not exercised at all at Lima, because the Creoles disdained to practise them, and the other casts were unable to carry them on. But the increasing number of white persons, many of whom are starving for want of employment, has tended much of late years to do away such prejudices; and they are now subsiding fast at Lima, and even in the provinces. The service of the church or state, commerce, and the professions of law and physic, were formerly the only occupations to which a Spaniard or a Creole could apply, without disgracing himself.*

Many of the Creole families have titles of nobility, and possess large estates. Some are descended from the ancient conquerors; others have risen from commerce, or from employments under the crown.†

The Peruvian Indians are described to us in these volumes under very different colours from those used by Kotzebue and Marmontel. They are said to be of very limited capacities, and of little or no variety in their characters; melancholy from temperament; timid and dispirited from oppression; dastardly in moments of danger; savage and cruel after victory; and severe and inexorable in the exercise of authority. They stand greatly in awe of the Spaniards, and are docile and obedient to their commands; but they secretly dislike them, and shun their society; and only hate them less than they do the negroes and mulattoes. They are of distrustful tempers, and suspect every one, who does them a kindness, of a design to impose upon them. They are stout and robust, and capable of enduring labour; but lazy, dirty, and improvident. Their habitations are miserable hovels, destitute of every convenience or accommodation, and disgustingly filthy. Their dress is poor and mean, and their food coarse and scanty. Their strongest propensity is to spirituous liquors; and to this indulgence they sacrifice every other consideration. Their religion is still tainted with the superstition of their forefathers; but they are great observers of the external rites and ceremonies of the church, and they spend large sums of money in masses and processions; a species of profusion to which they are naturally excited and encouraged by their priests, who profit by it.‡

Soon after the conquest of America, that country was parcelled out into *encomiendas*, a sort of feudal benefices, which were distributed on certain conditions to the Spaniards. The *encomendero*, or holder of the benefice, besides owing military service to

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* Mercur. Peruv. X. 114. 264.

† *Ibid.* VIII. 46.

‡ *Ibid.* VIII. 48.—IX. 56.—X. 276.

the state, was bound to reside on his *encomienda*, to protect and defend the Indians living upon it, and to see them properly instructed in the principles of religion. The Indians were bound, in return, to pay him a stipulated tribute; but so far were they from being reduced to slavery, that he could not lawfully exact from them any personal service whatever. The system of *encomiendas* was introduced by the Emperor Charles V.; and though variously modified and changed by his successors, it was not finally abolished till the reign of Philip V. All accounts agree, that, however well intended, it was in its effects oppressive and injurious to the Indians. The *encomendero* was continually exacting from them more than he was entitled to demand, and doing for them less than he was bound to perform. *

The system of *encomiendas* was followed by the still more fatal plan of *repartimientos*; according to which the government, in consideration of the limited faculties and improvident character of the Indians, directed the *corregidor*, or judge of the district in which they lived, to supply them with cattle, seed-corn, instruments of agriculture, and even clothes and other necessaries of which they were in want, according to his discretion and opinion of their necessities; but at a price regulated by law, and without any profit to himself. The abuses to which this system must have led, may easily be conceived. They became at length so enormous, as to call again for the interference of the government, which, after mature deliberation, determined on abolishing the *repartimientos*. This was accordingly done in 1779. †

The system followed at present with regard to the Indians, is more consonant to reason and justice, and more favourable to the development of their faculties, than any under which they have lived since the conquest. They are left to manage their own concerns as they please; and no one, under pretence of doing them good, can interfere with the disposal of their time or their property. It must be confessed, that, in some parts of the country, the indolence and sluggishness of their character have so far prevailed, since they were taken from under the control of the corregidor, that they have suffered the breed of mules, so necessary for the mines, to decrease; but in other parts they have been roused to greater industry and exertion. At Lambayegue, in particular, they have applied to agriculture, manufactures and commerce, with such assiduity, as far to surpass the Spaniards; and as the produce of their farms and industry is exempt from the alcabala, and all other taxes, they have great ad-

* Mercur. Peruv. VIII. 47.—X. 277.
† *Ibid.* VIII. 47.—X. 279.

vantages over the other casts, of which they want only industry and ability to make a proper use. *

The Indians pay a personal tax or tribute, which is extremely moderate, and to be regarded rather as a distinctive mark and token of vassalage, than as a serious burden. Indians of noble birth, that is, of the families from which the Caciques are taken, enjoy an exemption from tribute, and are equally qualified with Spaniards to fill all kinds of offices under the crown. Where the Indians are the sole inhabitants, they are governed by their Caciques; and none of the other casts are permitted to encroach upon their lands, or to settle among them, without their consent. †

It may be questioned, whether these and other privileges of the Indians are, on the whole, advantageous to them, or favourable to the general prosperity of the country. The natural tendency of such a system, is to maintain a distinction and opposition of interests between the Indian and the other casts; to excite their hatred and jealousy against him, as belonging to a privileged order into which they cannot be admitted; and to impress a conviction on his mind, that the other casts are his enemies, continually leagued against him, and seeking to injure and oppress him. On the other hand, it is argued that the other classes are so much more active, bold, and full of contrivance, than the Indian, that they would reduce him to a state of slavish and degrading dependence, if he were not protected by the special favour and indulgence of the laws. The real cause, after all, of the maintenance of this system, for so many ages after the conquest, is, probably, the jealous and timid policy of the Spanish government, which dreads the too great prosperity of its colonies; and views, in the disunion of its subjects, the foundation of its own power.

The Indians are subject to another burden, the *mita*, or compulsory labour in the mines. Every male Indian from 18 to 50 must take his share in this service; and, for that purpose, a list is kept of all the Indians of the requisite age, who are divided into seven parts, each of which serves in its turn. The term of service lasts for six months; and therefore returns once in three years and a half. The *mitayo*, when it comes to his turn, is forced to leave his farm or other occupation, and go to the mine where he is ordered to serve. Some Indians are compelled to travel 200 or 300 leagues from home; and many take their families with them to the mines. They have a small allowance for

* Mercur. Per. VIII. 48.—IX. 55, 78, 82.—X. 279.
† Ib. X. 275.

their travelling expenses, and receive, for their work in the mines, at least half a dollar a day, and, in general, a greater sum. *

The Indians and Mestizoes are the only casts in America who are able to endure the fatigue and unwholesomeness of the mines. The Spaniards and Negroes have been often tried in this species of labour, but they always sink under it after a short time. Besides the *mitayos*, there are Indians who serve voluntarily in the mines, and engage themselves for a stipulated hire. The greater part of the miners are indeed of that description; and it is to be regretted, that there should be any persons who serve upon other terms. A more intolerable hardship, and more flagrant injustice than the *mita*, cannot well be imagined. A forced conscription for national defence, though liable to great abuse, is on every principle a justifiable measure; but a forced conscription, for the purpose of digging riches from the bowels of the earth for the profit of another, is the extremity of cruelty and injustice.

The number of Indians in South America has diminished considerably since the conquest; and as the other casts have not increased in a degree corresponding to this diminution, the whole population of the country is less than when first discovered by the Spaniards. The first *census* after the conquest was made in 1551, when the Indian population of Peru, Santa Fé, and Buenos Ayres, amounted to 8,255,000 souls; but the same countries hardly contain, at present, 4 millions of inhabitants, of all classes and descriptions. A second enumeration of the Indians was made in 1581, by D. Francisco Toledo, viceroy of Peru, previously to the establishment of the *mita*; from which it appeared, that Peru and Potosi, without including Quito, Tucuman, Chili, or Buenos Ayres, contained, at that time, 1,067,697 male Indians from 18 to 50, making a total population of at least 4,270,788 persons. But the whole population, from Tumbez to Buenos Ayres, does not exceed, at present, two millions and a half, or three millions of souls; of whom not more than one third are Indians. †

Independent of these computations, there are many proofs of Peru having been formerly more populous and better cultivated than it is at present. Vestiges of former cultivation, and remains of extensive works for irrigation are still to be seen, where the country is now uncultivated and deserted; and travellers meet continually with the ruins of towns and villages, which have been long since abandoned, and without inhabitants. ‡

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* Mercur. Per. VII. 37.

† Ib. I. 273.—VII. 37.—VIII. 48.—X. 273.

‡ Ib. VIII. 38.

That this devastation is to be attributed, in a great measure, to the mistaken policy, not to the inhumanity of the Spanish government, cannot be doubted; but many other causes have contributed to thin so dreadfully the number of the Indians. The abuse of spirituous liquors destroys vast numbers of them. Ulloa alleges, that the use of spirits is fatal to more Indians in one year than the mines are in fifty. The Indians of the *Sierra* are so immoderately fond of ardent spirits, that they are often found dead in the fields at break of day, from the intoxication of the preceding evening. In 1759, the government was compelled to prohibit entirely the sale and manufacture of spirits, on account of an epidemic fever then raging among the Indians, which owed its destructive power, in a great measure, to their habits of intoxication. The small-pox and measles make also great havock among them; and a pestilential fever, which broke out in 1720, swept away the inhabitants of whole villages, and caused every where the greatest mortality. Another cause, which is continually diminishing the number of the Indians, and which must, in the end, extinguish them as a separate race, is the progress of the other casts. It is observed, that wherever the Indians are settled along with the Spaniards, their numbers decrease; but as their place is supplied with Mestizoes and Samboes, this loss is not to be deplored, but viewed as the indication of a future period, when all the pure races, whether Creoles, Indians, or Negroes, will be lost and confounded. *

Both the Peruvian Indians and the Creoles are remarkably long lived, and retain their vigour and bodily faculties to a very advanced age. In the small province of Caxamarco, containing hardly 70,000 inhabitants, there were eight persons alive in 1792, whose ages were 114, 117, 121, 131, 132, 135, 141, and 147; and in the same province, a Spaniard died in 1765, aged 144 years, 7 months, and 5 days, leaving 800 persons lineally descended from him. †

The *Mestizoes*, or offspring of the Spaniards and Indians, are the next class in rank to the Spaniards, and the most numerous after the Indians. They have neither the privileges and exemptions of the Indians, nor are they subject to the same burdens. They are cordially attached to the Spaniards, but constantly at variance with the Indians. The *Quarteroons*, or offspring of the Spaniards and Mestizoes, are hardly to be distinguished from Spaniards. The *Cholos*, on the contrary, sprung from the In-

* Merc. Per. VII. 94.—VIII. 48.—X. 262.
† Ibid. V. 164.

dians and Mestizoes, are classed with the Indians, and subjected to tribute. *

The *Negro* slaves in Peru are either employed in domestic service, or on the sugar plantations and farms of their masters. About 500 negroes are annually imported from Africa, formerly by Panama, but now by Chili and Buenos Ayres. The free negroes, who are very numerous, are in general idle and disorderly, and the authors of most of the murders and robberies committed in the kingdom. †

The *Mulattoes* are called, by Spanish writers, the gypsies of South America, on account of their resemblance in complexion, manners, and character, to the Spanish gypsies. The female mulattoes are usually employed by the Creole ladies as wet nurses for their children; and they often acquire the confidence and entire management of their mistresses. The free mulattoes are usually tradesmen; and several mechanical trades are chiefly in their hands. ‡

Agricultural Productions.

Two chains of mountains traverse Peru from south to north, in directions nearly parallel. The one is the central chain of South America, or the Cordillera of the Andes; the other, which is much lower, is called the Cordillera of the coast. Between the latter and the shore lies the country of Low Peru, forming an inclined plane from ten to twenty leagues in breadth, and consisting for the most part of sandy deserts, without vegetation or inhabitants. The cause of this sterility is the natural dryness of the soil, and the total absence of rain; for it never rains at any season of the year in this part of Peru; and therefore, the only spots capable of cultivation are the banks of the rivers, and the places susceptible of being artificially irrigated. Deserts of twenty, thirty, or forty leagues in extent, occur in every part of the coast from Tumbez to Atacama.

The country between the two Cordilleras is called the *Sierra*, or High Peru. It consists of barren mountains and rocks, intermixed with fertile and cultivated valleys. But these mountains contain the richest mines of silver known any where; and the most productive veins are usually found in mountains of the most desolate and unpromising appearance. The climate of the Sierra is variable; and if we are to judge from the longevity of its inhabitants, one of the most salubrious existing. The climate of Lima, besides the want of rain, is remarkable for the inconsider-

* Merc. Per. VIII. 50. † Ib. VIII. 50.
‡ Ib. X. 115.

able variations of its temperature. The thermometer at noon is never observed in winter below 60° Fahrenheit, and seldom rises in summer above 85°. The hottest day ever known at Lima was in February 1791, when the thermometer rose to 96°.

From this account, it appears how little fertile land there is in Peru, and how ill adapted it is by nature for becoming great or opulent by its agricultural productions. Patience and industry, by constructing roads and canals of irrigation, might indeed remove some, and correct many of its natural disadvantages; but, in the present state of the country, the want of a market for its productions is an insuperable obstacle to any exertions for the improvement of its agriculture. Its population is small, and spread over a territory of great extent; and the want of roads, bridges, and canals, renders it difficult to convey bulky articles to a distance from the spot where they are raised. The trade of a middleman, who buys in one market to sell in another, the object of such fears and jealousies in other countries, is unknown in Peru. One district may suffer all the extremities of want, while another is oppressed and ruined by too great abundance.—There are not even carts or waggons for the conveyance of commodities, or any other means of transporting them, but on the backs of mules; and the gangs of mules employed for that purpose are compelled, by the want of roads, to travel over the fields; where they trample under foot, and devour the corn, and destroy the fences. For these reasons, though the soil and climate of Peru are well adapted for the cultivation of sugar and cotton, it is in vain to raise these articles for the European market; because the expense of carrying them to the coast, and the subsequent freightage, are so great, that they could not be sold in Europe without loss. The court of Spain has offered every encouragement for the exportation of wool from Peru, but without success; for the coarse wool of Peru costs so much in freightage and other expenses of transport, that, when brought to Cadiz, it cannot be sold for the same price with the finest wool of Segovia. The Vicuna wool, on account of its scarcity and superior fineness, is the only sort of Peruvian wool which can bear the charges of carriage to Europe.

The first object of attention in Peru ought to be, not its agriculture, but the improvement of its mines, and the amelioration of its roads and internal communications. In proportion as a market is opened for its productions, the attention of its inhabitants will be turned towards agriculture; and without such inducement, it is fruitless for the government to attempt forcing their industry into that channel. So languid and backward is the agriculture of Peru at present, that Lima, and many other towns

upon the coast, depend on Chili for their provisions. This has been the case ever since the earthquake of 1693, which was followed by such sterility of the valleys of Low Peru, that the people ceased in many places to cultivate them; and though the country has since recovered in a great measure its former fertility, it still remains uncultivated, and the maritime places continue to be supplied with provisions by importation. *

Mining.

There are three descriptions of persons in Spanish America, who find employment in the business of mining, viz. the speculator in the mines, who is often a practical miner, the *habilitador*, and the *rescatador*.

The speculator in mines is usually, in Mexico, a man of considerable property, who can afford to make large advances from his own funds for supporting and carrying on his works, and who therefore reaps the whole profit of his speculation when it succeeds. But, in Peru, he is in general a person in necessitous circumstances, who begins by borrowing money at an exorbitant interest to enable him to undertake his works, and ends by selling the produce of his mines at a disadvantageous rate, in order to procure the means of carrying them on. The Peruvian miner lives miserably, and labours hard, from morning to night, to the great benefit of others, but with little profit to himself. As he trades with borrowed funds, he is rash and incautious in his speculations; and being continually involved in difficulties, and oppressed by usurious contracts, he is apt to be improvident and dishonest. It is only where the business of mining is in such hands, that it is held in disrepute, and reckoned neither safe nor creditable. In Mexico, it is carried on by persons of the greatest fortune and distinction; and where it can be conducted on a great scale, it is considered as secure a line of speculation as agriculture or commerce. But, like all branches of trade requiring a great outlay of money, and though productive in the main, yet uncertain in their returns, it ought never to be undertaken by any one who has not a great capital, or great credit, at his command.

The *habilitador* is a merchant and money-lender, who supplies the miner with the capital necessary for beginning or carrying on his speculations; and this he commonly advances on the hardest and most oppressive terms. He obliges the miner, in the first place, to content himself with one half of the advance in money, and to receive the amount of the other half in goods, which are

* Merc. Per. I. 213, &c.—III. 14.—VIII. 38.—X. 259.

often not fit for his use, and are always overcharged. He takes him bound, in the second place, to repay the advance in *pina*, at the end of a short period, generally of four months. *Pina* is silver bullion, freed from the quicksilver with which it has been amalgamated, but not smelted. The marc of *pina* is worth very nearly 7½ dollars, before payment of the royal duties; but the *habilitador* allows the miner only 6½ dollars for it in this transaction, and, consequently, he receives a dollar for the loan of 6½ dollars for four months. But this exorbitant interest is in many cases not the only advantage which the *habilitador* derives from his loan. For his debtor, if unable to satisfy him at the stipulated term, incurs the penalty of a dollar for every mark of *pina* which he was bound to have furnished; and this penalty, as well as the original debt, he is compelled to discharge in *pina*, at the rate of 6½ dollars per marc, though intrinsically worth 7½. By this complicated system of usury and oppression, a miner, who has borrowed 325 dollars from an *habilitador*, one half in money, and the other half in goods charged above their value, may find himself compelled, at the end of six months, to pay 57½ marcs of *pina*, worth 411 dollars, in order to procure an acquittance of his debt.

The *rescatador*, or *rescatiri*, is another description of merchant, who buys *pina* from the miner, and gives him money in exchange for it. In the great mines, and vicinity of the capital, the competition of different *rescatadores*, secures a fair price to the miner for his *pina*; but in poor mines, and remote parts of the country, the miner, who is in continual want of money to pay his workmen, and to purchase quicksilver and other necessaries for his mine, is completely at the mercy of the *rescatador*, and is often compelled, by his necessities, to part with his *pina* at an undervalue. During the rainy season, when there is little communication between the different parts of the upland country, the marc of *pina* was lately often sold at six dollars, and 6½ dollars, and sometimes as low as at 5½ dollars.

A stronger proof cannot be given of the want of spirit and activity in Peru, than that evils affecting so materially the vital interests and prosperity of the kingdom, should have been suffered to continue for so many ages, without any effort to remove them. It is only since the establishment of the Royal Tribunal of Mines, in 1786, that banks *de rescate*, as they are called, have been erected for that purpose in the principal mines. These banks purchase *pina* from the miners on account of the Royal Tribunal of Mines; and as they give always a fair price for it, they keep down the profits of the *rescatadores*, and secure the miners from their extortions.

The banks *de rescate* are also of essential service to the miners, by supplying them with quicksilver in small quantities as they have occasion for that article, so indispensable in their chemical operations. The miners had formerly no other resource, when they were in want of quicksilver, but to apply for it to the *caxas reales*, which are at a great distance from many of the mines; or to purchase it from the *rescatadores*, who charged them most exorbitantly for it.

The profits of the *rescatadores* have been so much reduced by the operation of the banks *de rescate*, that a great part of the capital employed in that trade has been withdrawn from it, and laid out in advances to the miners. This increase of capital in the trade of the *habilitadores*, has tended, of course, to diminish their profits, and to free the miners from the subjection in which they were formerly kept by these avaricious money-lenders. The salutary effects of these changes have been already felt. The operations of mining are going on with greater activity and success, and the number of bankruptcies among the miners is fast diminishing; so that the merchants themselves will in the end be gainers by the change. Instead of exorbitant profits and great risks, they will have moderate gains, unattended with danger.

The banks *de rescate* in the provinces borrow what money they have occasion for from the collectors of the taxes; and the Royal Tribunal of Mines repays these loans to the treasury at Lima. —This arrangement saves the trouble and expense of remitting the produce of the taxes in money from the provinces to the capital, which, for want of bills of exchange, was the former practice; and it prevents the provinces from being annually drained of their circulating specie by such remittances; an inconvenience to which they appear to have been subjected till the erection of the banks. Such a clumsy and inartificial system in the operations of the treasury, is a striking illustration of the little progress which commerce has made in Peru.

The banks *de rescate* in Peru are private establishments, without any monopoly or exclusive privilege; so that the private *rescatador* is still at liberty to follow his occupation. But the great bank *de rescate* at Potosi, called the bank of *San Carlos de Potosi*, belongs to the crown, and enjoys exclusive privileges of purchasing *pina* from the adventurers in that celebrated mine. The bank of San Carlos was founded in 1747, by a voluntary association of the miners of Potosi, in order to liberate themselves from the intolerable oppression of the *rescatadores*. In 1779, they were prevailed upon by D. Jorge Escovedo, governor of Potosi, to transfer their shares and property in the bank to the crown; notwithstanding which, the bank, in 1793, was still in

a prosperous state. Besides purchasing *pina*, the bank of San Carlos makes advances of money and other articles to the miners, and thus exercises at once the trades of *habilitador* and of *rescatador*. These two professions are also not unfrequently conjoined by private adventurers in Peru. *

We subjoin a list of the mines of Peru wrought in 1791, with an account of the quantity of gold and silver obtained from them since 1780.

Mines of Peru wrought in 1791, with the number of gold and silver mines not then wrought. †

	Wrought.	*Not Wrought.*
Gold	69	29
Silver	784	588
Quicksilver	4	0
Copper	4	0
Lead	12	0

Produce of the Gold and Silver Mines of Peru for ten years, from 1780 to 1789, both included, estimated from the produce of the royal duties. ‡

	Dollars.	*Reals de Plata.*
Silver made into plate	602,130	0
Silver made into ingots	29,126,024	0
Gold	4,424,035	0
Total produce	34,152,189	0
Annual produce	3,415,218	7

Coinage of Lima during the same period. §

	DOLLARS.		
	Silver.	*Gold.*	*Total.*
Annual purchase by the mint	3,328,386	520,933	3,849,319
Deduct the purchase of Moneda Macuquina	523,773	—	523,773
Remainder	2,804,613	520,933	3,325,546
Produce of the mines estimated from the duties	2,972,815	442,403	3,415,218
Difference of this estimate from the amount of the coinage	+ 168,202	—78,530	+ 89,672

* Mercur. Per. VII. 25.—VIII. 2. † Ib. II. 146.
‡ Ib. V. 91. § Ib. IV. 91.

The *moneda macuquina* is a provincial money which the government was at that time calling in. The surplus of silver, not carried to the mint, was probably used in plate; and the excess of the coinage of gold above the produce of the mines, was probably occasioned by the introduction of gold in bars from Potosi.

	Dollars.
The coinage of Lima, from 1790 to 1794, both years included, being a period of five years * -	27,967,566
Annual coinage during that period - -	5,593,513
Annual coinage from 1780 to 1789 - -	3,849,319
Increase during the second period	1,744,194

The famous mine of quicksilver at Huancavelica was discovered in 1566, and bought by the crown in 1570. It has continued ever since to be part of the royal domains, and to be wrought on account of the government.

	Quintals.	*lib.*	*oz.*
The total produce of quicksilver from Huancavelica, between September 1. 1570, and December 31. 1789, being a period of 219 years, amounts to - - -	1,040,452	25	2
Average of the annual produce during that period - - - - - - -	4,750	29	5
The greatest produce of any two years of that period, viz. from December 31. 1646, to December 31. 1648 - - - - -	17,371	65	0
Produce from January 1. to August 31. 1790 †	1,406	0	0

Mines of Potosi.

The mine of Potosi was discovered in 1545, and the city of Potosi founded in 1547. By a *census* of its inhabitants made in 1611, its population is said to have amounted, at that time, to 160,000 souls. If this account be correct, Potosi must have greatly declined from its ancient state; for its whole population in 1792 consisted of only 18,181 souls; of whom 256 were ecclesiastics and persons under vows; 3482 Spaniards; 4872 Mestizoes; 8559 Indians; 1012 Negroes and Mulattoes. ‡

	Dollars.	*Reals.*
The produce of the royal duties from the mines of Potosi, between 1556 and 1780, 224 years - - - - - -	150,570,743	2

* Viager. Univ. XX. 152. † Merc. Per. I. 65.
‡ Merc. Per. VII. 25.

	Dollars.	*Reals.*
Brought over	150,570,743	2
The produce of the same from 1545 to 1556, estimated at	5,500,000	0
	156,070,743	2
Corresponding produce of silver from the mines	2,400,000,000	0

But, as great part of the silver of Potosi is known not to have paid the duties, but to have been smuggled out of the kingdom, the real produce of its mines must have been greater than what appears by the preceding estimate. It is supposed, that for more than half of the 18th century, the contraband trade of Potosi with the Brazils was such, that only a third of the silver from its mines paid the royal duties.

	Dollars.	*Reals.*
The coinage of gold in the mint of Potosi, from 1780 to 1790, a period of 11 years, was equal to	2,829,718	0
The annual coinage of gold	257,247	1
The coinage of silver in the mint of Potosi, from 1773 to 1790, a period of 18 years, amounted to	69,864,764	0
The annual coinage of silver	3,881,375	6
The annual average of the silver coinage at Potosi, from 1780 to 1790	3,960,010	7
——— gold coinage from 1780 to 1790	257,247	1
Annual average of both	4,217,258	0
The coinage of Potosi in 1791 *	4,365,175	0
The coinage of Peru in 1791 ‡	5,118,941	0
The total coinage of both	9,484,116	0

Commerce of Peru.

The exports of Peru are gold and silver, wine, brandy, sugar, pimento, Jesuit's bark, salt, Vicuna wool, coarse woollens, and some other manufactures of little value; and it receives, in return, European goods, live stock, provisions, tallow, cacao, paraguay tea, coca leaf, indigo, timber, cordage, pitch, and copper.

Its commerce may be divided into three branches; viz. its com-

* Merc. Per. IV. 162. ‡ Ib. V. 161.

merce by land with the provinces of the Rio Plata; its commerce by sea with the other colonies; and its commerce with the mother country.

The exports of Peru to Potosi and the other provinces of the Rio Plata, are valued at more than two millions of dollars annually, and the imports at 860,000 dollars; so that the balance in favour of Peru is near 1,200,000 dollars, independent of the profits on the carriage of the goods, which belongs also to Peru, as the carriers are Peruvians. Cuzco and Arequipa are the routes through which this trade passes.

The chief exports to the Rio Plata are brandy, wine, maize, sugar, pimento, indigo, and woollens. The brandy alone amounts to near a million of dollars. The woollens, which are next in value, are chiefly made in Peru, but part of them are brought from Quito. The provinces of the Rio Plata used formerly to take woollens, to a great amount, from Quito; but it is now found more economical to procure these articles from Europe, by the way of Buenos Ayres. The indigo exported from Peru is previously imported from Goatemala.

The chief imports from the Rio Plata are mules, sheep, hams, tallow, wool, coca leaf, paraguay leaf, and a small quantity of tin from Oruro: 20,000 mules are imported annually from Tucuman, for the service of the mines. *

The commerce of Peru, by sea, with the other colonies of Spanish America, will appear from the following tables.

I.—Commerce of Callao with Chili, Guayaquil, Panama, and Goatemala, for the years 1785, 1786, 1787, 1788, and 1789. ‡

	Imports.	*Exports.*	*Balance for Callao.*	*Balance ag. Callao.*
Chili - - - -	5,533,775 1	4,686,423 3	—	847,351 6
Guayaquil -	2,547,643 1	2,906,305 0	358,661 7	—
Panama - -	59,035 5	201,681 7	142,596 2	—
Goatemala -	210,295 7	29,416 4	—	180,879 3
	8,350,749 6	7,823,776 6	501,258 1	1,028,231 1
Annual Aver.	1,670,149 7	1,564,755 3		
Annual balance against Callao		-	-	105,394 4

* Mercur. Peruv. I. 220.

‡ Viager. Univ. XX. 296.

II.—Commerce of Arica, Payta, and other ports of Peru, with the kingdom of Chili, and the ports of Panama and Guayaquil.

	Imports.	*Exports.*	*Bal. ag. Peru.*
Chili * - - - - - - - -	46,675	—	46,675
Panama and Guayaquil † -	350,000	130,000	220,000
	396,675	130,000	266,675

III.—Result of both.

	Imports.	*Exports.*	*Bal. ag. Peru.*
Annual trade of Peru, by sea, with the other colonies	2,066,824 7	1,694,755 4	372,069 4

Forty-one vessels, of different sizes and descriptions, are employed in this trade; and all of them, except three, belong to Peru. Their united tonnage amounts to 351,500 quintals, and they are manned by 1460 seamen. ‡

The chief exports from Peru to Chili are European goods, previously imported at Callao. Sugar; coarse woollens, made in Peru; indigo, from Goatemala; salt; cotton; pita yarn, and some other trifling articles. The imports are chiefly wheat; copper; negro slaves, some of them natives of Chili, but the greater part from Rio de Janeiro and Buenos Ayres; tallow; wine; paraguay tea; salt meat; timber; cordage; and leather. Part of the copper is used in the mint at Lima; and the remainder, except a small quantity sent to Guayaquil, reexported to Spain.—The ports of Chili that trade with Peru, are Valparayso, Concepcion, and Coquimbo; but Valparayso alone carries on three times as much trade as the other two. The timber is brought from the isle of Chiloe.

Three fourths of the exports to Guayaquil consist of European goods, and the remaining fourth of flour, wine, brandy, and copper. The imports are chiefly cacao and timber. There is also imported into Peru, on account of the government, a considerable quantity of tobacco, the growth of Guayaquil, which is afterwards reexported to Chili; but this is not included in the preceding tables.

* Mercur. Peruv. I. 264. † Viag. Univ. XX. 274.
‡ Ibid. XX. 274.—Merc. Peruv. I. 220.

The trade with Panama, which was formerly of such magnitude, has declined since the middle of the last century, and is now reduced to a small importation of timber and cacao, and to the remains of a slave trade, which is every day diminishing. The exports from Peru to Panama are coarse woollens, sugar, flour, and brandy. There is also a remittance of 300,000 dollars a year from the treasury of Lima, to pay the garrison and civil government of Panama, without which that city must have fallen to still greater insignificance.

Indigo is the principal article of import from Goatemala. Small quantities of logwood, pitch, timber, and cacao, are also imported. The exports, which are very trifling, consist chiefly of wine and woollens. The wines and brandies of Peru might be exported with advantage to San Blas, for the consumption of Cinaloa, Sonora, and California; but though permission has been frequently solicited from the government, it has been constantly refused, from an apprehension of interfering with the trade of the mother country in these articles.

The trade of Peru with Spain was carried on by Porto Bello and Panama till 1748, when register ships were substituted for galleons, and the voyage by Cape Horn for the circuitous route formerly in use. It is amusing to consider the progress made since that time in the art of navigation. The first Spanish vessels which sailed by Cape Horn were insured against sea risk at Cadiz, at the exorbitant rate of 20 *per cent.* of their value; but the vessels which perform the same voyage at present are insured for two. † The register ships, though liable to objections, were preferable in every respect to the galleons. They shortened the intercourse between the mother country and the colony, and lessened the expenses attending it. By affording quicker returns, they led to more frequent adventures; and by meeting more effectually the demand, they diminished the inducements to contraband. But the trade was still clogged and impeded with much useless expense and unnecessary delay, and subjected to an arbitrary license, which was withheld or burdened with restrictions at the caprice of the minister.

The register ships continued to be employed in the trade of Peru with the mother country, till the war for American independence, during which there was little intercourse between Spain and this distant colony. At the peace of 1783, the system of free trade, the order for which had been issued at Madrid some years before, began to be carried into effect in the South Sea. According to this system, the most wise and liberal which

† Mercur. Peruv. I. 247.

Spain has ever laid down for her colonies, an unlimited intercourse, without licenses or other restrictions, is permitted between certain ports of Spain and certain ports of Spanish America; and among the privileged ports of America, are Callao and Arica, both situated in Peru.

The result of these innovations has been highly favourable to Peru. Its inhabitants enjoy foreign luxuries and conveniences, at a cheaper rate, and in greater abundance than before; while their industry has been excited, the value of their exports increased, and the produce of their mines nearly doubled. Nor has the change of system been less beneficial to the mother country, though some individuals have suffered by it. From 1714 to 1759, a period of twenty-five years, the whole exports to Spain from Peru, Chili, the Rio Plata, and Santa Fé, did not exceed thirty-four millions of dollars. * But at present, the exports from Peru and Chili alone exceed six millions annually; and the imports from Europe have increased in the same proportion. For some years, indeed, after the opening of the free trade, the merchants of the mother country, ignorant of the real state and resources of Peru, poured into that country a greater quantity of goods than its effective demand required, or enabled it to consume; and by the consequent want of sale, and depreciation of these goods, the importers paid dearly for their rashness. But though some merchants suffered by their over-speculation, the manufactures of the mother country were benefited by it; and with regard to Peru, it would be difficult to show how the abundance and low price of goods could be injurious to the consumer. On the contrary, the spirit of industry has been awakened in that kingdom, by the sight of luxuries and accommodations, formerly unknown to its inhabitants, or placed beyond their reach; and the increase of its exports since the free trade, is the surest proof of its growing prosperity.

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* Mercur. Per. I. 246.

Tables of the Commerce of Peru with the Mother Country.

I.—Imports of Lima from Spain in the years 1785, 1786, 1787, 1788, and 1789. *

	National Goods.	*Foreign Goods.*	*Prime Cost when exported.*	*Cost with duties & other expenses to Lima.*
1785.	1,932,040 0 $\frac{7}{8}$	3,106,056 2 $\frac{3}{4}$	5,038,096 3 $\frac{1}{8}$	6,965,231 3 $\frac{1}{4}$
1786.	5,113,389 5 $\frac{1}{2}$	6,358,901 5	11,472,221 2 $\frac{1}{2}$	14,734,084 4 $\frac{1}{2}$
1787.	3,225,167 3 $\frac{1}{4}$	2,426,581 6 $\frac{1}{2}$	5,651,749 2	7,257,741 6 $\frac{3}{4}$
1788.	1,298,250 7 $\frac{1}{2}$	995,055 6 $\frac{1}{2}$	2,293,306 5 $\frac{1}{2}$	2,940,992 7 $\frac{1}{2}$
1789.	1,007,663 7 $\frac{1}{8}$	1,216,855 3 $\frac{3}{8}$	2,224,517 2 $\frac{1}{2}$	2,856,965 0 $\frac{7}{8}$
Total, according to the Customhouse entry	12,576,510 0 $\frac{3}{8}$	14,103,450 7 $\frac{1}{2}$	26,679,960 7 $\frac{7}{8}$	34,755,015 7 $\frac{1}{8}$
Addition of 22 p. cent.	2,727,064 1	2,990,428 5	5,717,492 6	7,344,297 7
Total	15,303,574 1 $\frac{3}{8}$	17,093,879 4 $\frac{1}{4}$	32,397,453 5 $\frac{7}{8}$	42,099,313 6 $\frac{5}{8}$
Annual average	3,060,714 6 $\frac{5}{8}$	3,418,775 7 $\frac{1}{4}$	6,479,490 5 $\frac{7}{8}$	8,419,862 6 $\frac{1}{8}$

In this table are included imports from China by the Filipine Company to the value of 421,120 dollars; and imports of European goods from other ports of America to the value of 270,237 dollars 7 $\frac{5}{8}$ reals.

The addition of 22 per cent. to the official value, is considered as the difference between the real and the official value.

The freightage, insurance, duties, and other expenses, from the time the goods leave the wharf, when they are embarked in Spain, till they are warehoused at Lima, are estimated at 28 dollars 3 $\frac{5}{8}$ reals per cent. on all goods sent round Cape Horn. A separate charge is made for the goods from China, and from the American ports.

The European goods in greatest request in Peru, are silks, superfine cloth, lace, fine linen, and other articles of luxury and show. There is also a considerable demand for ordinary linen, and for the inferior sorts of cloth and woollens. Cutlery, and all instruments of iron, are also in great request.

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* Viager. Univ. XX. 221.

II.—Exports from Lima to Spain in the same period.

	Coin & Bullion.	*Produce.*	*Total.*	*Total, with cost and duties, to Spain.*
1785.	7,144,325 2½	733,587 4	7,877,912 6½	8,823,115 6½
1786.	8,285,659 7½	882,807 1	9,168,467 0½	10,369,502 3½
1787.	4,518,246 3½	906,022 0	5,424,268 3½	6,503,961 2½
1788.	5,463,973 1½	579,160 2	6,043,133 0½	6,798,374 0½
1789.	2,449,495 6⅞	523,080 0	2,972,575 6⅞	3,484,386 2⅞
Total.	27,861,700 4⅝	3,624,656 7	31,486,357 3⅝	35,979,399 6⅞
An. av.	5,572,340 1	724,931 3	6,297,271 4	7,195,879 7⅝

In this table is included the sum of 2,790,000 dollars exported to Asia by the Filipine company.

Silver brought from Lima to Spain, costs, in freightage, insurance, and duties, 9½ per cent.; and gold, 2½ per cent.

The articles of produce are chiefly Jesuit's bark, Vicuna wool, copper from Chili, cacao from Guayaquil, and a small quantity of cotton.

III.—Commerce of Peru with Spain, from 1775 to 1779, compared with the commerce between the same countries, from 1785 to 1789. *

	Imports.	*Exports.*
From 1775 to 1779 - - - - -	23,838,183 4½	21,302,385 2
From 1785 to 1789 - - - - -	42,099,313 6⅝	35,979,339 6⅞
Total for ten years - - - -	65,937,497 3⅛	57,281,725 0⅝
Excess of the 2d period above the 1st	18,261,130 2⅝	14,676,954 4⅞

It is further to be observed, that during the first of these periods, Potosi, and the other provinces now annexed to the Rio Plata, formed part of the viceroyalty of Peru; and that, by the separation of these provinces, Peru, during the second period, contained only 49 or 51 districts, instead of 74, of which it was formerly composed.

But, to form a just estimate of the commerce of Peru, we must take Buenos Ayres into the account, and consider these

* Viager. Univ. XX. 259.

two countries, and Chili, as parts of the same commercial system. It will then more fully appear, how small are the means, and limited the resources, of these extensive colonies, and what false and exagerated notions have been circulated in this country with regard to them.

View of the Resources of Peru, Chili, and the Rio Plata, for maintaining Foreign Commerce.

	Dollars.	
Annual coinage of Lima, from 1790 to 1794 -	5,593,513	0
Coinage of Potosi in 1791 - - -	4,365,175	0
Annual coinage of Santiago of Chili, estimated at * - - - - - - - -	1,400,000	0
Annual export of produce from Callao, from 1787 to 1789 - - - - - - -	724,931	3
Export of produce from Buenos Ayres in 1796 †	1,328,840	0
	13,412,459	3

It appears from this statement, that the effective demand of these countries, for foreign commodities, does not exceed, at present, three millions Sterling annually. It is true, that with a better government, and a more liberal system of commercial regulations, these resources might be greatly augmented; but such improvements are in general the work of time; and, in South America, many difficulties must first be surmounted. The population of the country is wonderfully small, scattered over an immense surface, and composed of casts which mutually hate and distrust each other. The Indians, who are the most numerous class, prefer a life of indolence and apathy, to enjoyments that must be purchased with labour. Among the other casts, emancipation from the mother country would be the signal of discord and political discussions the most adverse, during their continuance, to the progress of opulence, and the steady exertions of industry. Some improvement might be expected in the mines. The labour of extracting the ore might be abridged by machinery, and the processes for reducing it meliorated by more skilful applications of chemistry. But the scarcity of hands would prevent any great increase in the productiveness of the mines; and a separation from the mother country, by increasing the difficulty of finding a supply of quicksilver, might render them even less productive than they are at present. The mines of quicksilver in China are said within these few years, to have been exhausted. None could be expected from Europe, in the present state of that quar-

* Viager. Univ. XX. 275. † Ib. XX. 109.

ter of the world. No resource would then remain but to repair the works at Huancavelica, and extract from it quicksilver for the other mines, without which, the greater part of them must be abandoned.

In some branches of produce, it is true, the exports from this part of America might be instantly augmented. The exports of hides, tallow, and salted provisions from Buenos Ayres, might be greatly increased. Copper, the value of which is rising every day at home, might be procured, in great abundance, from Chili and the Rio Plata. Valuable furs might be obtained in great numbers from the Andes; and in this species of industry the Indians, like their North American brethren, would more readily engage them in more settled occupations. Flax and hemp of the very best quality are raised in Chili; and if greater care were taken to gather the cotton of Peru, and more attention bestowed on the art of packing, both that article and the wool of the same country might be sent to Europe at a price that could not exclude them from the market. Cacao, coffee, dye-stuffs, and medical drugs, might also be exported in greater quantity.

Revenue.

The revenue of Peru amounts to near five millions of dollars annually; of which 300,000 are remitted to Panama; 15,000 to the Isle of Chiloe; and a third sum to Valdivia. The clear revenue, after these remittances, and after defraying the expense of the government of Peru, does not exceed 500,000 dollars; and we are disposed to regard that sum as the total revenue which the King of Spain derives from this part of his dominions. *

The revenue of Potosi is estimated at 1,200,000 dollars, † and of this sum 200,000 are remitted annually to Buenos Ayres; ‡ so that the Crown derives no clear revenue whatever from the viceroyalty of the Rio Plata. The same is true of Chili, Caracas, and Santa Fé. New Spain used formerly to send remittances of 3,400,000 dollars to the governments of Cuba, Porto Rico, Hispaniola, Florida, Luisiana, Truxillo, and Manilla; but the loss of Luisiana and Hispaniola will have saved some part of that expense. The residue of the revenue of Mexico, after defraying the charges of its own government, is transmitted to Madrid, and amounts to about five millions of dollars. § The produce of the customs collected in the ports of Spain, on ac-

* Mercur. Per. III. 40, 72.—Viager. Univ. XX. 154.
† Ib. VII. 45. ‡ Viager. Univ. XXVII. 293.
§ Viager. Univ. XXVII. 217.

count of its colonial trade, may be estimated at two millions and a half of dollars. The total revenue which the Crown of Spain derives from its colonies and foreign possessions, may therefore be reckoned at eight millions of dollars annually.

It is impossible to quit this subject without remarking the fatal effects of the system pursued by the court of Spain in the government of its colonies. A country so valuable and extensive as the one we have been considering; reaching from Buenos Ayres to Guayaquil, and from Guayaquil to the Isle of Chiloe; possessing every variety of soil and climate; furnishing in abundance the most rare and costly, as well as the most common and indispensable productions; having the advantage of navigable rivers, and an extensive sea-coast; situated between the populous and opulent empires of Asia, and the active and cultivated states of Europe; after two centuries and a half of undisturbed tranquillity, contains hardly three millions of inhabitants; and, though taxed beyond its means, contributes only half a million of dollars to the defence of the state. Such are the effects of political and commercial jealousy and religious intolerance. The court of Spain watches over the morals and faith of its colonies with the vigilance of a confessor; views their commercial prosperity with the ill-will of a rival shopkeeper; and contemplates their union and good understanding with the fears of a despot trembling for his authority. It is true, that, with a contrary system, Spain would probably long since have lost possession of her colonies. But those colonies, before emancipating themselves from her yoke, would have grown into rich and populous states; and during their growth, they would have contributed to exalt the mother country to a pitch of grandeur and prosperity, which she would have maintained after the separation; the Spanish name, and language, and character, would have struck a deep and permanent root in the New World; and the mother country, if ever reduced to a struggle for her existence, might have looked with confidence to the aid and friendship of her once rebellious, but now affectionate children.

Art. XIII. *A Letter to the Right Hon. Charles James Fox, one of his Majesty's Principal Secretaries of State, on the Importance of the Colonies situated on the Coast of Guiana.* By a British Merchant. pp. 19. London, Richardson. 1806.

We have already noticed a tract written with the intention of augmenting the prejudice which already exists in the public mind against peace. That work contained the general de-

fence of war by a speculative author, and might be considered as exhibiting a fair view of the sentiments entertained upon this important subject by the disinterested part of the community, who are only misguided by their ignorance and their perverted enthusiasm. The very small tract now before us comes from another, perhaps a more formidable, description of persons, who seek war 'as a great gain.' The general remarks which we have submitted to our readers in the course of the present Number, upon the lamentable prejudices which prevail on this subject, would be incomplete, without a short notice of the conduct pursued by the interested class of enemies to peace.

The author of the letter under consideration applies himself to the proof of two things,—the great value of the Dutch colonies, and the possibility of England retaining them, without any detriment to her own settlements.

To make out his first position, he states, in a cursory manner, that the captured colonies in Guiana contain more negroes and lands, and export more produce, than all our old islands, except Jamaica; and that they may be valued at twenty millions Sterling. If any instance were wanting to show how very unsafe guides, in matters of fact, mere practical men are, we might produce this statement. The slaves in our minor islands, twenty-five years ago, were upwards of 200,000, and, at present, they cannot be fewer than 250,000. We do not merely maintain, that this is greatly above the number in Dutch Guiana; but, admitting it to be correct, we assert, that our author's valuation of twenty millions Sterling is absurd; for, if there is any truth in the principles assumed by the planters in valuing their stock, a colony, containing 250,000 negroes, is worth, not twenty, but forty-five millions. They allowed twice the value of the negroes for the value of the lands and erections, with other property, exclusive of houses in the towns. In like manner, the tonnage, which he makes only 30,000, should be near 70,000. So much for the accuracy of this merchant's facts, and for the proof that, by his own showing, he has greatly mistated the value of the captured colonies, when he compares them to the minor British islands. His reasonings about the value of the customs derived from this source, are worthy of as little attention; for, admitting that 400,000*l.* are annually raised upon goods exported to Guiana, and brought from thence, whatever portion of this sum is gained clear of drawback on reexportation and other expenses, will be raised after the colonies shall have been given up, either on produce consumed in England, or on manufactures destined ultimately for the Guiana market.

The other part of our author's argument is, by accident, nearer

the first view; for his interest happening to lead him towards the right side of the question, he maintains, that the retention of the captured colonies will not ruin the old sugar planters. We have no inclination to argue this matter one way or another. But we cannot pass over his very strange doctrine, that we shall be able to command the whole sugar market of the world, if we retain the Dutch colonies; for then, he says, we shall hold five-sixths of all the sugars consumed, and may fix the prices accordingly. Without remarking that this proportion is quite unfounded in point of fact, and that the command in question should have already belonged to us much more securely during the war, we shall only observe, that a nation, holding a monopoly of any trade, is a very different thing from a company or an individual engrossing that trade. In the latter case, prices may be fixed by the seller, at least within certain limits. In the former case, competition operates among the different individual traders, just as effectually, and in exactly the same manner, as if different nations held the traffic. The only advantage derived in this case is by the government, which, if the monopoly be complete, or nearly so, can levy certain duties on the sale, thereby augmenting the price generally. This rise the merchants will never concur in making, of themselves.

But, suppose that the greater part of these benefits really belonged to the possession of Dutch Guiana;—suppose, too, which we cannot deny, that those colonies have many signal advantages over the old islands,—the question is still left undecided, whether we ought to retain them at all hazards, and to make them a *sine quâ non* of peace, as the planters and their consignees no doubt desire. For it is one thing to prove that an enemy's, or a neighbour's property suits us exceedingly well, and another thing to show that we ought never to rest till we make it our own. But there is such an avidity of foreign colony in the present generation, that this difference is entirely overlooked; and the custom is, now-a-days, to cry out for every vessel, settlement, and line of trade,—in short, for all things appertaining to commerce and navigation, as if it were one and the same thing to justify the longing by reason, and to take the place by ships. We shall not attempt to show, that the worst way of paying ourselves for the subjugation of Europe, is to seize on the rest of the world. Nor shall we say any thing against the policy of consoling ourselves for the misfortunes of our allies, by taking their colonies. But we must be allowed to glance at the calmness with which such reasoners contemplate endless war, when a sugar island is in view. The author of this tract, after enumerating the advantages enjoyed by Guiana, seems to perceive that his readers might

possibly think it, after all, paying too dear even for Guiana, to make it a *sine quâ non*. Accordingly, he invariably begins the general praise of war. In peace time, he says, our enemies will do our trade far more injury. He reminds us, that they said in 1802, 'leave England at peace, and we shall ruin her.' Our seamen, too, will desert into their service; whereas we have their seamen in ours. From this we are driven to conclude, that no peace can be compatible with our safety, which does not include the retention of Dutch Guiana, the great defence against all those dangers.

The British planters, and, still more, the London merchants concerned in the Guiana trade, have no doubt serious reasons for holding such language. A peace, which would restore Guiana to the Dutch, would prevent the former from obtaining more loans; and would reduce the profits received by the latter, from a large commission, to a small interest upon their past advances. Therefore, we are not surprised at seeing those persons very clamorous for *sine-quâ-nons*, and exceedingly well pleased at the failure of negotiations for peace. Traders in the government securities in like manner,—loan-contractors,—insurance-brokers, and other speculators who profit by fluctuations in the value of certain articles, and whose employment is of a gambling nature, are naturally averse to the termination of war, the element in which they exist. All those persons live near the seat of government, and they are of a forward, clamorous disposition. They frequently succeed in making their voice pass for the expression of the public opinion, and but too often cause the general interests of the community to be less thought of than their own. If Yarmouth, in the same way, were the seat of government, we should never know what a wish for peace is. It is quite wonderful to see with what composure the class of men alluded to contemplate the downfal of foreign empires, and the degradation of the species over a great part of Europe. They care no more about it, than they do about the African slave trade, or the traffic in crowns and princes carried on in the East Indies, or any other merely indifferent matter. They submit with exemplary resignation to the sufferings of the poor, and even the ruin of those traders who owe them nothing. They bear up, in a manner truly edifying, against the hardships of our soldiers and sailors, and would doubtless be comforted for the entire loss of our army, if the volunteers only remained, as their feelings are greatly soothed under the loss of seamen's lives, by the interesting occasions which it affords for giving swords and pensions. That such calm and pious observers should be hurried into any wish for peace, is altogether out of the question. But when the signal for new and

wide-spreading war is given, and at the moment that the last chance of happiness has been lost to millions,—their feelings get the better of them,—they exult with all the steadiness of calculating zeal in the prospects of new per centage, and give way to an enthusiastic joy, because the gate has been torn off the temple of Janus. At all this outcry, no one should be surprised; nor can any one greatly blame it. The fault is theirs only, who call it the public voice, or allow themselves to be affected by the feelings from which it springs, or view in it any indication of the interests of the country.

ART. XIV. *Reflections on the Administration of Civil Justice in Scotland, and on the Resolutions of the Committee of the House of Lords on that Subject.* 8vo. pp. 115. Edinburgh & London. 1806.

Thoughts on Trial by Jury in Civil Causes, with a View to a Reform in the Administration of Justice in Scotland, in a Series of Letters. 8vo. pp. 70. Edinburgh & London. 1806.

Remarks on the Report of the Committee of the House of Peers, relative to the Administration of Civil Justice in Scotland. 8vo. pp. 42. Glasgow. 1806.

THE resolutions adopted by the House of Lords at the close of the last Parliament, as an avowed preliminary to bringing in a bill for new-modelling the Courts of Justice in Scotland, have now been before the public for upwards of eight months.—They were circulated for the professed purpose of exciting discussion;—they touch upon some of the most important and delicate questions in jurisprudence and legislation; and were addressed, in an especial manner, to that industrious body of Scotch Advocates, who are proverbially known to write all they speak, and to print all they write. Yet the leisure of a summer, and the business of a winter, have been allowed to pass away; and all that has been produced on the subject, are the three anonymous pamphlets, the titles of which are placed at the head of this article. This, we think, is a kind of reproach, not only to those who have a more immediate concern in the consequences of the measure, but to the speculative and inquisitive in both ends of the island. So great an experiment in legislation, we believe, has not been projected since the days of Justinian or Alfred; nor one which promises to have an operation so extensive, both by

its immediate effects upon this part of the empire, and by its example upon that to which it is not to reach directly. It would be strange, indeed, if a measure of this magnitude were to be adopted, without producing some sensation in the thinking part of the community; and though we make no doubt that many learned memorials and valuable suggestions have been privately communicated to the movers of the business,—that much profound discussion will take place in Parliament,—and that many, who have formed a general opinion upon the tenor of the resolutions, reserve themselves till they see how they are to be modified in the draught of the bill; still we must confess, that we have been both surprised and mortified at the silence with which the overture has been received, and the disinclination which has been manifested, to express or to direct the public sentiment, as to the general principle of the measure.

It does appear to us, however, that this is a case in which the Legislature must look for illumination beyond its committees and official advisers; and in which every one who has had opportunities of knowledge, or habits of reflection on the subject, is called upon to assist the Legislature with his suggestions and advice. The pains that have been taken to circulate the printed resolutions, and the observations which were made when they were ordered to be printed, entitle us to believe, that this is also the feeling of the noble person with whom the project originated, and give us the firmest assurance, that a measure, begun with such laudable circumspection, will not be carried through with any degree of precipitation. The draught of the bill, we have no doubt, will be circulated with as much care as the resolutions; and an opportunity afforded to all who have been invited to consider the merits of the ground plan, to deliberate upon the effect of the elevation. It is rather with a view of setting an example to others, and of directing the public attention to a subject so worthy to engage it, than with any presumptuous expectation of being able to throw new light on the question ourselves, that we have ventured upon an article of this description, and thrown together the following considerations.

The institutions of a country for the administration of justice, are among the most delicate and important of all its establishments; and come more frequently and closely in contact with individual comfort and prosperity, than the political constitution itself. This, however, is by no means a reason for not altering them; but only for taking great care that they are altered for the better. When we say, that they are of incalculable importance, we mean, it is of infinite consequence that they should be good.

But they are delicate as well as important. This, we think, cannot be denied; and the sum of our opinion upon the subject is, that to improve them is always very difficult, and often very necessary; that they are very likely to require great reforms, but that these are apt to be attended with great hazards and inconveniences. Upon the whole, however, we prefer the hazard of reformation to the accumulation of established evils. Most of the evils from which men attempt to deliver themselves, are capable of remedy; and the dangers with which the attempt may be attended, should only engage us to greater vigilance and more deliberate exertion.

Whatever is established, has great advantages over what is only projected, both because its actual effects are known, and have been fully developed by experience, and because the conduct and the habits of men have been accommodated to its subsistence.—In all novelty, there is something of hazard;—in all experiment, there is a risk of disappointment. No man can reason so accurately from the past, as to be perfectly certain of a future result; and that more especially in human affairs, where no two cases are ever found alike, or even very nearly analogous. Above all, our anticipations must be full of doubt and anxiety, when we look forward to the effects of introducing in one case, what we have only known as a compound element in another. Institutions which are coeval with the civilization of a people, and which have been assimilated to all the other parts of their establishment, may be harmless, or even beneficial among them; though they might prove in the highest degree pernicious, if transferred to a different community. Gin and tobacco are found to agree wonderfully with the constitution of an English or Dutch sailor; but they operate like deadly poisons on those who have grown up to maturity, without any experience of their effects.

In the elastic frame of artificial society, it is hard to say what vibrations may be excited, or to what extent they may be propagated, by a mere local impulse. It is a great living body, animated by sympathetic nerves, of which no anatomist has yet demonstrated the course or the connexion; and we may paralyze the hand or the tongue, while we are seeking to remove a blemish from the eye. It is a great chemical compound, which maintains its fluidity and transparency by the nice balance of innumerable quiescent and divellent affinities; and there is no saying what precipitations and perturbations may be produced by changing the proportion of a single ingredient.

Even if these hazards should be thought chimerical, it cannot be denied, that what is old, has at least this advantage, that it is familiar to those who are concerned with it, and that its evils are

less perceived than those of a more recent system. The road perhaps may not be so short or so smooth as it might have been; but it has been made with great cost, and every one knows his way along it. People have built houses and villages by the side of it, and constructed fences and canals with reference to its direction. There are good inns from one end to the other, and horses always to be had to drag us over the steep and miry parts of it.

To this it may indeed be replied, that the desertion of these is but one temporary sacrifice, and that they will soon be reproduced in greater abundance as the new track comes to be better frequented. This would be unanswerable, if it were possible to obtain any assurance that the first change would be the last: But the spirit which throws down what is ancient, will never spare what is new; and as it is impossible for human institutions to attain perfection, or for men to recognise it, perhaps, if it could be attained, it may be worth while to calculate whether a temporary destitution may not be too great a price to pay for a temporary improvement; and whether it might not be wiser to bear with an habitual inconvenience, than to purchase a respite by a series of great and periodical disorders. If we once pull down our old massive castle, out of disgust at its inconvenience and irregularity, there is reason to fear that the trim box which we substitute in its place, will not escape the hands of a still more fastidious generation;—no, although its front should be of modern Gothic, and its pediment of most exquisite rustic.

Lord Chief Justice Hale seems to have been of this way of thinking. In his excellent, though imperfect treatise, 'of the Amendment of Lawes,' he delivers many observations nearly coincident with the preceding. It would be doing injustice to the following, to give it in any other words than his own.

'It is most certain, that time and long experience is much more ingenious, subtile, and inventive, than all the wisest and acutest wits in the world, coexisting, can be. It discovers such varieties of emergencies and cases, that no man could ever otherwise have imagined. And, on the other side, in every thing that is new, or at least in most things, especially relating to lawes, there are thousands of new occurrences, and intanglements, and coincidencies, and complications, that would not possibly be at first foreseen. And the reason is apparent; because lawes concern such multitudes, and those of various dispositions, passions, wits, interests, concerns, that it is not possible for any human foresight to discover at once, or to provide expedients against, in the first constitution of a law. Now a law, that hath abidden the test of time, hath met with most of these varieties and complications; and experience hath in all that process of time discovered these complications and emergencies, and so has applied suitable remedies and cures for these various emergencies. So that in truth antient lawes,

especially that have a common concern, are not the issues of the prudence of this or that council or senate, but they are the production of the various experiences and applications of the wisest thing in the inferior world; to wit, time; which, as it discovers day after day new inconveniencies, so it doth successively apply new remedies: and indeed it is a kind of aggregation of the discoveries, results, and applications of ages and events; so that it is a great adventure to go about to alter it, without very great necessity, and under the greatest demonstration of safety and convenience imaginable.'

These considerations should never be lost sight of in any operation of which society is the subject; yet they should be looked to, rather to direct, than to repress our exertions for its improvement; to deter us, indeed, from light, or frequent, or inconsiderate alterations, but to give weight and steadiness to those great and necessary movements by which great advantages are gained, or enormous incumbrances shaken off. It is right that there should be that *vis inertiæ* in our establishments that resists slight impulses, and keeps them firm on their base, in spite of petty attacks; but it would be sad, indeed, if they could not be moved when reason and expediency mustered in full force to fix them in a more advantageous position. The anchor which holds the vessel of the state, should be heavy enough to resist all swells and squalls of the turbulent elements without, or to be pulled up by a few mischievous cabin boys or mutinous sailors within; but it would be miserable, if it could not be weighed by the joint efforts of the crew, when it was necessary to remove to a more eligible station.

There is wisdom in almost all prejudices; and almost all wisdom is apt to be debased by prejudice. Nothing, perhaps, has saved the world from so much distraction, as the wisdom that lurks at the bottom of the universal prejudice against innovation; and nothing has intercepted so many great improvements as the prejudice which is alloyed with this wisdom. Upon the large average account of human affairs, perhaps the mischiefs it has prevented may nearly balance the advantages it has withheld; but in the particular column of law, we conceive the mischiefs have greatly preponderated. We scarcely remember an instance in which any very serious evil has resulted from injudicious reformations of the law. There is no country upon earth where an unprejudiced observer may not perceive the greatest inconveniences produced by a morose retention of its maxims, or of the forms in which it has been administered.

Indeed, if we consider how much of what is now established as law, was necessarily arbitrary or accidental at the beginning—how much of its authority must always depend upon precision and uniformity merely—and how often the equity and expediency of

a rule is really of less value than its notoriety and inflexibility,—we shall easily discern the sources of that superstitious veneration which veils the head indiscriminately to whatever has long stood in the place of worship, and considers precedent and usage as at least equal in authority to equity and common sense. If we add to this the natural tendency of those who have spent their lives in the study of the existing system, to magnify, both to themselves and others, the value of the knowledge they have acquired—the great influence and authority which the profession of the law necessarily possesses over the public opinion—the universal disposition to venerate and admire what is imperfectly understood—and the strong personal interest which leads so many active individuals to resist alterations by which their fortune may be injured, and their occupation destroyed,—we shall be at no loss to understand how it has happened that men have adhered longer to obsolete usages, and absurd formalities in law, than in any other department, and given more than a due weight to those considerations which can only be fairly employed to repress rashness and arrest precipitation. They require us, indeed, to be well satisfied of the magnitude of the evil, and, as far as possible, of the safety of the remedy; but they by no means require us to submit to great evils, or to reject obvious remedies. They enjoin us, in the words of Lord Hale, 'to employ a vast circumspection,' before we venture on any considerable alteration; but to alter resolutely where the evil is great and radical, and the hazards of the change themselves of a remediable nature. How little has been done in this kind, we appeal to those who are acquainted with the state and the practice of the law in either part of the island, and who are at all above the prejudices or the interested motives which lead so many to trumpet forth the praises of a system by which they have their living. 'For the reformation of the law,' says Lord Hale, 'the sages thereof are afraid to meddle with it, but let it live on as long and as well as it may, in the state they find it: only, to save their credit upon some occasions, they meddle with some little inconsiderable things;—they set a price upon turnips and carrot seeds; but nothing is dared to be done of use or importance.'

With these general impressions as to the occasional necessity, and the constant peril, of considerable changes in the law and judicial establishments of a country, we proceed to make a few observations on the projected alterations in the courts of justice in Scotland. They consist in the introduction of jury trial in civil actions, and in the multiplication of our supreme civil tribunals.—In order to form any judgment of the merits of this measure it is necessary to inquire, 1*st*, Whether the evils of our present system of administering justice be such as to call for a radical alteration

by the authority of the Legislature; and, *2dly*, Whether the remedies suggested in the resolutions are such as ought to be adopted.

In order to enable our readers to judge of this first question, it is indispensable for us to lay before them a slight sketch of our present judicial system, and to explain what sort of things our courts of justice, and our administration of it, are. Such a detail, we are afraid, cannot possibly be made attractive to those who read for amusement merely; but we are anxious that it should not be disgusting to any of those who condescend to number our pages among their materials for thinking; and shall endeavour to give all the necessary explanation with as little minute detail as possible.

We have trial by jury in Scotland already;—in all criminal cases, and in all revenue questions;—in all cases, that is, where an individual can have to maintain a contest with the executive government. All crimes are tried in the court of Justiciary, and all revenue questions in the court of Exchequer; but neither of these take cognizance of any civil action. The supreme civil court is the court of Session; and its jurisdiction is nearly as extensive as that of the court of Chancery, of Common Pleas, and the Plea side of the King's Bench put together. It has also the power of altering the judgments of the Admiralty and Consistorial courts. It sits in Edinburgh, in two sessions or terms, for six months in the year, and does not send its Judges on circuits. The Judges of Justiciary go on the circuits twice in the year, but for trial of crimes only; though, by a recent statute, they have an appellate jurisdiction in civil cases under 12*l*. Civil justice is administered in the country chiefly by the Sheriffs of counties and their deputes, and by the Magistrates of burghs, assisted by the town-clerk. Justices of the peace do less than in England, though their powers are nearly the same. All the decisions of inferior judges may be brought under review of the court of Session, except in a very few trifling cases, regulated by recent statutes.—The court of Session, therefore, has almost an entire monopoly of the administration of justice between man and man in this country; and it is, accordingly, to its constitution that our attention must now be directed.

This court consists of fourteen Judges and a President, who sit together in one body; but causes do not come before this learned crowd in the first instance. Each of the fourteen sits for a week, by rotation, in the Outer-House, and hears and takes cognizance of all the causes that come into the court during that period. If the party against whom he gives judgment be dissatisfied with the decision, he brings it, by petition, under the review of the whole

court, which thus sits, our readers will perceive, only as a court of appeal. There are a few cases, indeed, which may be brought before it in the first instance; but these form a very inconsiderable part of its business. Each of the Judges, it will also be observed, has thus a double duty to perform; first to decide, singly, the causes which are brought before him in the Outer-House, and then to try, with his brethren, the appeals that are brought against the decisions of individual judges.

There are now, upon an average, about 150 or 200 new causes brought every week before the Judge sitting in the Outer-House. It is impossible, therefore, for him to hear pleadings, or to give judgment in one fifth part of them; and the remainder are either postponed, or an order is given to state them in writing. After this first week, the Judge has a few occasional hours, in which he determines upon motions, or hears pleadings, in the causes thus originally enrolled before him; but these are so extremely limited, that it is calculated, in one of these pamphlets, that the whole time which any Judge can dedicate in Court to the causes which depend before him individually, is not more than 64 hours in the course of a year.

Here is the beginning of the evils which are now felt so oppressively. The Judge, having no time to hear the causes pleaded, directs them to be stated in writing. The other party answers in writing also; and at last the Judge finds time to peruse these papers. If the cause is not pleaded to his mind, he orders more papers; and when, at length, a judgment is pronounced, the losing party has it in his power to give in a written pleading against that judgment; and this he may do as often as he thinks proper, till the Judge chooses to order that no more papers shall be received. He is then entitled to submit the whole cause, in the shape of a petition, to the whole fifteen Judges. This petition is printed; and the Court, if the case, upon this partial statement, appear attended with any difficulty, orders the other party to print a pleading in answer to it; additional papers are frequently printed also; and after perusing all these, the Judges deliberate, and give judgment openly upon the cause. Even then, however, the decision is not final; and the losing party may argue the whole question over again in a second petition. It is only when two successive judgments have been given on the same side, that the written contest is terminated; and then the unsuccessful litigant has no resource but in an appeal to the House of Lords.

This slight view of the proceedings in the Court of Session, may give our readers a glimpse of the inconveniences that result from it; but it is necessary to look on them a little more nearly.

Judges who have no time to hear counsel plead, cannot be expected to have leisure for examining witnesses; accordingly, when it is necessary to go to proof, a commission is granted to some other person to take the depositions of the witnesses, which are all written down, and transmitted by the commissioner to the Court. No separate judgment is pronounced, either by the commissioner or the Judge, upon the import of this written evidence, which becomes the subject of new written pleadings before the latter; and, upon the import and credibility of which, the most obstinate argument is usually maintained till the final issue of the cause.

The great expense, delay, and unsatisfactoriness of this sort of proof, naturally makes parties unwilling to have recourse to it; and they frequently content themselves for a long while with making contradictory averments, and endeavouring to show by reasoning, that those of their antagonist are improbable, or that, if they were admitted, they would not make out his plea. In order to demur to the points of law maintained by their opponent, it is not necessary, as in England, to admit his statement of fact; so the parties always deny both; and they deny both in one and the same pleading. Even after proof has been taken, the same mixed form of pleading is continued; they deny that the facts are established; and they deny that they infer the conclusions deduced from them; nay, they often continue to deny that it was competent to bring any proof of them at all. Upon this mixed argument, the Judge in the Outer-House for the most part pronounces a general judgment for one or other of the parties, without explaining particularly whether it is grounded upon the evidence or the law, or upon both: And from this judgment an appeal is taken to the whole Court.

Those who are accustomed to the accurate forms of pleading established in the southern part of the island, will have difficulty in conceiving the extreme looseness and prolixity of the written papers that are given in, even in this mature stage of the proceeding. It is rare that either of the parties will admit a single fact, or a single argument, maintained by his antagonist; and as it is equally open to them to make new assertions, and to offer new proof, as to argue against all that has already been obtained, so there is no latitude in which they may not indulge themselves, in the statement and illustration of their cause. They may quote any decision of any Scotch, English, or foreign court; and refer to the authority of any lawyer, from Papinian to the present Attorney-General: they may argue from topics of law, equity, or general expediency; and may embellish their arguments with quotations from Shakespeare, or choice morsels of Horace: according to the vein

of their advocate, they may be witty, humorous, or pathetic; and may sprinkle their performances with *bons mots*, or political sarcasms and allusions. The expense and delay of preparing these elaborate treatises, may easily be conceived. They are, indeed, merely speeches in writing, with this additional disadvantage, that though a lawyer may be stopped when he wanders from the point in his pleading, the unfortunate Judge has no resource when he chooses to digress upon paper, but must plod through the whole mass of eloquence that is laid before him. The oppression to which these learned persons are thus subjected, is almost incredible. It was calculated by one of their own number, about twenty years ago, that every Judge had to read, in the course of six months of Session, about 25,000 quarto pages of printed pleadings; and very nearly half as much more in manuscript from the Outer-House. The quantity, we believe, is now one fourth part greater.

Even these evils, however, are inconsiderable, compared with those which result from the looseness and inaccuracy of the pleadings, operating upon a court consisting of so many members. Each of the fifteen Judges reads his printed papers at home, and comes to deliver his opinion upon them in the hearing of his brethren. In performances so desultory and miscellaneous, it may easily be conceived that there may be something to please all tastes, and that one person will be struck with one thing, and another with another. The great number of the Judges, and the quantity of business they have to do, makes it impossible for them to concert any common opinion, or to consult each other in private as to the opinions they have separately adopted; and they often come into court, therefore, with the most opposite notions as to the merits of the case, and the most irreconcileable views of the principles upon which it should be decided. One thinks the proof satisfactory on the side of the plaintiff, but the law wrong: another thinks the law right, but the evidence inconclusive: a third thinks he is wrong on both: a fourth that he is right: a fifth proposes that a new proof should be allowed: and a sixth that another volume should be given in upon the abstract point of law. Each of these views is maintained with considerable warmth and obstinacy; the deliberation assumes all the characters of a debate; and, after much time spent in zealous argument and discussion, the scene is terminated by a vote, which gives the cause for one or other of the parties; but frequently leaves it impossible to determine upon which view of the law the decision has proceeded.

The evils that necessarily result from this system of proceeding, will suggest themselves at once to every person who runs over the statement we have now given. It is proper, however, to class and enumerate them.

There is, in the first place, the evil of enormous delay and expense; from the whole pleadings being in writing; from the evidence being not only in writing, but its import being to the last a subject of argument; from the almost unlimited power of submitting judgments to review; from the time spent, worse than uselessly, in the wrangling deliberations of the Court; and from the Judges being all tasked, both as individuals and as acting together, far beyond what they have leisure to perform. By great exertions, and premature references to the whole Court, the individual Judges are commonly able to get rid of four-fifths of the causes enrolled before them, before it comes to them in rotation to take in a fresh assortment; but in the Inner-House, where the supply is not periodical, but daily, no exertion has been able to prevent a constant accumulation, which threatens in a few years to stop the movement of the machine altogether. There are at this time, we are credibly informed, on the roll of the Inner-House, as many causes ready for decision as would occupy the Court nearly two years to decide, though no new ones were to be brought before them in all that time; and consequently, it follows, that if a cause abides the regular course of the roll, it could not come to be decided, for the first time, for almost two years after the pleadings were concluded. As the country increases in wealth and population, the number of lawsuits may be expected to increase also; and it does not seem to be particularly the ambition of the present race of advocates to be more concise than their predecessors. If this arrear of undecided causes, therefore, has been constantly increasing during the last twenty years, it may be expected to increase still more rapidly hereafter; and if no remedy be applied, we may live to see the time when a litigant cannot possibly obtain judgment, in the simplest question, in less than seven or eight years, and that in the only Court to which it is possible for him to resort. The effects of delay are, to ruin or exclude poor litigants; to encourage oppressive and unjust litigation; and to bring the courts of justice into odium and contempt with the great body of the people. There never was a case, we believe, that so imperiously demanded a remedy as this.

The second great evil is the immaturity and uncertainty of the law; arising partly from the inaccurate forms of pleading, the utter impossibility of the Judges finding time to study the more difficult cases that come before them, and the want of sufficient communication between the judge and the counsel,—but chiefly from the continued confusion of the facts and the law in every particular question; and the dissension and ill-prepared debates of the Judges among themselves in their public deliberations. This last mischief may be ascribed altogether to the

excessive number of the Judges. It is impossible to set fifteen men a talking upon any subject upon which they are ultimately to vote, without producing considerable eagerness of opposition, and altering, in some degree, the tone of judicial discussion to that of polemical debate. A judge who thinks he is right, is naturally anxious that his opinion should be adopted by his brethren, and to point out the fallacies by which they are prevented from falling in with it. He is provoked, too, at the slowness of some, the misapprehension of others, and, what will appear to him, the prejudices and perverse obstinacy of a third party. He pleads for his own view of the matter with some warmth, and with some partiality. Though intending nothing but what is perfectly candid, he unconsciously treats the law that is opposed to him with too little ceremony, and claims too extensive an authority for that which he supports. His opponents do the same thing; and if two or three different opinions find advocates on the Bench, it is easy to perceive how an auditor must be puzzled to find out how the law actually stands, and how impossible it must be for a reporter to say how it was delivered. Our reporters, accordingly, for the most part, give us nothing more than a summary of the argument upon both sides, with the ultimate deliverance of the court.

The third great evil of the present system results from the former two, and consists in the general dissatisfaction and discontent of the people with their supreme tribunal; the multiplication of disputes in all sorts of transactions; and the adoption of modes of decision, which do not tend to cut off the causes of future misunderstanding.—The notorious expense and delay of a suit in the Court of Session, is sufficient to account for a pretty general prepossession against it; but the manner in which its deliberations are conducted, frequently gives a better pretext for defamation. It must be a bad cause indeed, or very ill argued, in which there is not something that seems plausible to one or two out of fifteen Judges;—they, of course, say something still more plausible in support of it, and very possibly detect some oversight or inaccuracy in the opinion of those who are opposed to them. This is eagerly reported to the unfortunate litigant, who is thus encouraged to proceed with a desperate cause, and believes, to the last hour of his life, that its merits were misapprehended by all but those who voted in his favour. This, perhaps, is the common case; but, in very many instances, the decision is carried by a small majority; and it is really too much to expect, that a client shall entertain much respect for a judgment, which was loudly reprobated by nearly one half of the Judges,—or for a Court, which could be so much divided upon

a question of ordinary occurrence. That this unsettled state of the law will naturally produce many disputes, is too obvious to require any illustration; and the fact is, that, in our great commercial towns, the abundance of these disputes, and the hopelessness of getting them effectually settled by the court of law, has given rise to a set of professional arbiters, to whose judgment most persons prefer submitting themselves. Now, though arbitration be a very expedient thing for the parties, it does by no means tend to fix or make known the law. The sentences pronounced by these private judges, have no authority beyond the cases to which they have been applied. They make no law between any other parties; and have neither weight nor notoriety enough to be referred to as precedents for the direction of others. They have no effect, therefore, in preventing future misunderstandings; and their multiplication among men, to whom the occasions of misunderstanding must frequently come round, is one of the most decided symptoms that can be imagined, of a general distrust or dissatisfaction with the regular judicial establishment.

If these evils, or any considerable part of them, may really be traced to the faulty constitution of this supreme judicature, it seems impossible to deny, that a case is made out which calls for the interference of the Legislature. That they are remediable evils, we think, is apparent, from the bare statement of them; nor does it even seem very difficult to indicate, in a general way, the remedies that ought to be applied. It is perfectly plain to us, that one court is too little for the civil business of this litigious country; therefore, there should be more courts than one to do the business that is now done, or rather undertaken, by the Session. It is no less evident, that fifteen Judges are a great deal too many to sit together in one judicial assembly: the number of Judges in each of these courts should therefore be greatly diminished. It is undeniable, in like manner, that the practice of taking proofs by commissioners, is a very cumbrous and imperfect way of getting at the truth; witnesses ought therefore to be examined in presence of the Judge, and the import of their evidence finally fixed, perhaps, by the verdict of a jury. The plan of trying most cases, in the first instance, by a single Judge, we think, is laudable, and ought to be continued; but the Judge to whom this duty is committed, should have full time to discharge it, and we rather think should do no other duty. A more strict form of pleading ought to be introduced; written pleadings ought to be in a great measure abolished, and limits set to the power of reviewing solemn judgments.

These things, we admit, are easily said; and we say them, with the help of *one perhaps*, without much diffidence or hesi-

tation: yet we are fully aware of the difficulty of reducing them to practice with safety and effect; and feel, as we advance to the consideration of the practical details, that our greatest wisdom must be in a choice of hazards; and that the best service we can perform, is to patronize scepticism, and prolong deliberation.

While the country was poor, and not very industrious, few persons could afford to go to law but landed proprietors. To them, a lawsuit was a sort of luxury; it succeeded the feud of arms; and they were in no hurry to be done with it. The questions turned frequently, too, upon points of feudal law, where the facts were not much disputed, and those who were learned could not ultimately disagree. The inconveniences of this system were but little felt, therefore, in these times; but when we became at last a commercial and enterprising people, the business of the Court multiplied; and cases arose, in which the investigation of facts became necessary, and principles of a more arbitrary and disputable nature were necessarily brought into action. The evil then began to be felt; and various proposals were made to remove it. Nothing, however, appears to have reached the British Legislature till the year 1785, when a bill was brought into Parliament for reducing the number of Judges to ten, and increasing their salaries. This measure met with a violent opposition from James Boswell, who wrote a pamphlet against it, exceeding all his other compositions in extravagance and absurdity; and does not appear to have been generally relished in the country. It was dropped, accordingly, without a struggle; and only deserves to be noticed here, for the sake of the very able argument which was written in support of it, under the title of 'An Explanation of the Bill for increasing the Salaries and lessening the Number of the Judges,' &c. This performance was generally ascribed at the time to the Lord Advocate of Scotland, by whom the bill was introduced, and who now fills the important situation of President of the Court. As it may be of consequence to satisfy some readers, that the necessity of some great change in the constitution of the Court has long been perceived by those who had the best opportunity to know its real operation, we make no apology for extracting from this publication the following convincing reasons for diminishing the number, or separating the functions of the Judges. It is written with a degree of reserve and management, for which we no longer see any occasion; but it is quite sound and decisive in principle, and deserves well to be considered by those who can see no harm in the present system.

'In general, it may be laid down as a certain truth, that when a court is composed of many Judges, whose duty it is equally to officiate, it will seldom happen that they are all equally effective, and well dis-

posed to do their duty, especially if it be laborious, and if the chief burden may occasionally be thrown from one upon another. The inconvenience, too, will be much heightened, if the system of law by which they are guided happens to be formed upon abstract reasoning, more than upon fixed and positive rules. Hence may arise a looseness of proceeding, and many irregularities, which can easily be figured.

'I hope no one will mistake me so far as to suppose, that this observation is literally applicable to the present state of the court of Session, or that the most distant insinuation is meant against the purity and honour of so respectable a body of men. I know the Judges individually to be men of as great worth as any who exist, and of the most eminent ability in their profession. But this I must be permitted to say, that the present established mode of conducting business in that court, owing chiefly to the number of its Judges, has a tendency to produce those mischiefs, and will in time do so, if an effectual remedy be not applied.

'It is obvious, that a numerous body of Judges is better calculated for debate than for decision. The dignity of the character is lessened in proportion to the number, not only in their own feeling, but in the eye of the world; and they are less sensible of responsibility than the same men would otherwise be.

'I might add, that the state of such a Bar as that of Scotland, cannot at all times afford a multiplicity of experienced men to fill a very numerous Bench, as well as the other departments of the law. Neither will a statesman think it always necessary that every one of fifteen Judges should be of the first eminence in his profession. It is not to be expected that political nominations will always continue to be avoided if we have too numerous a Bench; and the consequence of taking any liberty of this kind, may easily be foreseen.

'These things are but slightly hinted at, because they are obvious; and being only stated as *possibilities*, require not to be enlarged upon.

'We have been told that the 15 Judges of the Court of Session with difficulty overtake their business, and, therefore, that a smaller number cannot be sufficient.

'To those who are unacquainted with the practice of that Court, this may seem a very plausible argument; but it ought not to have been used by gentlemen who have access to know how the fact really stands. It is true, that some of the Judges, according to the present forms of proceeding, are overburdened; and the case would be just the same, if there were thirty judges instead of fifteen.

'In the Outer-House of the court of Session, each of the fourteen ordinary Lords sits, or ought to sit in his turn, for one week, as an individual Judge, to hear the causes which are enrolled before him, and with respect to which he is called the *Lord Ordinary;* because, having once been fixed before him, they remain there till they go through the necessary forms, and either receive his judgment, or, upon report from him, that of the whole Court. When the Ordinary gives his own

judgment, the losing party may reclaim to the whole Court, *i. e.* to the Judges in a body sitting in the Inner-House; and therefore these Judges, consisting of fourteen when the Court is full, or perhaps fifteen, if the Ordinary of the week be likewise among them, perform the office of a court of appeal, in reviewing the judgments of Ordinaries. They act, too, as an original court, in receiving and determining upon the report of Ordinaries; and there are some instances of causes which come directly into the Inner-House, without being at all subject to the cognizance of Ordinaries.

'Now, I admit that there is an absolute necessity for having such a number of Judges in the Court of Session, as shall be able individually to overtake, with ease, the business which must come before them, by turns, in the Outer-House, and likewise to execute a separate branch of business, which they do in the same manner, viz. determining upon bills of advocation and suspension. But I maintain, in the *first* place, That fourteen Judges are not necessary for that purpose; and, *2dly*, That, in the Inner-House, not only are fourteen or fifteen Judges sitting in a body unnecessary; but the number does harm, and therefore ought, in all events, to be abridged.

'As to the business done in the Inner-House, the smallest reflection must satisfy every one, that the number of the Judges does no way tend to distribute the labour so as to make it easier to each individual; for they must all read the whole papers, and hear the whole argument; they must all judge at the same time; and the case is by no means similar to that of carrying a load, where, in proportion to the number, the burden is heavier or lighter to each. On the contrary, adding to the number of Judges rather increases the weight, and makes it more cumbersome, owing to the debate which it occasions, and to the errors which must be corrected.

'The despatch of business, accordingly, suffers; ill humour is occasioned; and the utmost exertion of the highest abilities in the Chair, will not prevent irregularity of proceeding, and many evils which, happily for us, are not felt under the present set of Judges, but may too soon, perhaps, become unavoidable.

'Even were the Court to remain as it is, without any diminution of number, it seems to be clear, that a regulation ought to be made, dispensing with the attendance of so many of the fifteen (suppose the six eldest or the six youngest) in the Inner-House, and confining them to Outer-House business alone; as, indeed, it would be better that they did no business at all, than that fourteen or fifteen men should be employed in the usual discussions of the Inner-House.'

This, certainly, would have been an imperfect remedy for the evils by which it was suggested; but it would probably have led further, and paved the way to more fundamental improvements. Though this measure was dropped, however, and the salaries of the Judges increased, the evils continued to be felt, and to call for the animadversion of those who suffered most directly from

their continuance. In 1789, Lord Swinton, one of the Judges of the Court of Session, published a very elaborate and valuable pamphlet on the reformation of that Court. In this work, which is still by far the most accurate and important which has appeared upon the subject, the learned Judge proposed that the Court should be divided into two chambers, each consisting of five Judges and a President, who should act as separate and independent courts; though, upon new and difficult cases, they might meet together as a court of review; and that one of them at least should be empowered to try certain civil causes, with the assistance of a jury. It is surprising that this plan, which has really great merit, and evidently forms the basis of the late resolutions of the Lords, should have attracted so little notice at the time. We find it treated with affected contempt, in a few trifling pamphlets that appeared soon after; and have not been able to learn, that those who had then the management of affairs made any inquiry into the grievances which it proclaimed. The French revolution, indeed, followed soon after; and for some years, reform and rebellion were considered nearly as synonymous terms. The Judges, however, and practitioners, perceived every day more clearly, that some great reformation was indispensably necessary; and, even before the late change of ministry, if we are not misinformed, some communication had been held with government as to the means of carrying it into effect. The country was shaken for some time with a variety of rumours and speculations, till, in June last, Lord Grenville came forward with the resolutions to which we alluded in the outset; and announced it to be his intention to bring in a bill, in the ensuing session of Parliament, for carrying the substance of them into effect.

The fundamental parts of this plan are, That the present court 'shall be divided into such a number of separate chambers as may be found convenient;' each to act as a distinct court: That a stricter form of pleading shall be introduced, by requiring from each party a precise statement of facts at the outset of the cause: That when the parties differ as to fact, the Court, upon the requisition of either party, or of its own discretion, shall order the issue of fact to be tried by a jury, except in cases that may be specially excepted: That where it appears expedient, such trials shall be remitted to the nearest circuit; and that, in all cases, it shall be lawful to complain of verdicts as having been given contrary to evidence, or by misdirection: That a new chamber of review shall be erected, composed of Judges who do not sit in the chamber whose sentence is appealed from; and that no appeal to the House of Lords shall be competent, but from the judgments of this chamber of review.—There is room for meditation here, and for much anxious inquiry.

As to the proposed multiplication of courts for trying civil actions, we have already given it our decided approbation. We conceive it, indeed, to be a measure of absolute necessity; but whether this should be done by dividing the Session into separate chambers, or by erecting our other courts into a fair competition with it, is a question that may admit of some hesitation. The court of Exchequer, with us, does but little business; and the court of Justiciary meets only occasionally when a criminal is brought before it. If we were to open these courts for the trial of civil causes, we should have a sufficient number of judicatures, without any new creation; and should only have to reduce the number of the Judges in the Session. If trial by jury is to be introduced, it will be found already established in the Justiciary and Exchequer. It was by a similar extension of jurisdiction, effected indeed by a sort of clandestine usurpation, that the courts of King's Bench and Exchequer in England came to decide in civil actions; and their rivalry soon became so formidable to the Common Pleas, that that venerable court, in the words of Lord Hale, 'was put to very unhandsome shifts to keep pace with them.'—The consequence was, however, as has been well observed by the author of the Wealth of Nations, that all three were excited to an emulation highly beneficial to the community —each striving to attract suitors by the speediest and most effectual administration of justice; and to this competition of those concurrent judicatures, it seems reasonable to impute much of the admitted excellence of the English system of jurisprudence.

Whether it be thought advisable, however, to revive and enlarge our existing courts, or to create new ones, we trust that some provision will be made in the projected bill, for regulating the business that is brought before the single Judges in the Outer-House. It would be best, we humbly conceive, that these Judges should sit there permanently; but, at all events, much of the old evils will return, if full time be not allowed them to hear the pleadings of counsel, and to preside over the proof of facts.

The Resolutions do not state expressly into what number of chambers it is proposed to divide the present establishment; but, from the expressions employed as to the chamber of review, we gather that more than two are intended; and the general understanding is, that there are to be three, each consisting of five Judges. We cannot help thinking three too many. They will not be sufficiently occupied; and the truth is, that we cannot expect to breed so many as fifteen Judges, so qualified as they ought to be in this new system. All England with difficulty furnishes twelve. Two chambers, we are persuaded, would be found fully adequate to the necessities of the country; and it would not

only be easier to find ten or twelve Judges than fifteen, but, the situation being more important, would be sought by men of higher pretensions. We have suggested three courts, indeed, in proposing to throw open the Exchequer and Justiciary; but in that case, these two would do their present business also. If there are only two chambers, there should be five or six Judges in each, two of whom should be constantly in the Outer-House.

We are inclined to demur stoutly as to the new chamber of review. There are too many reviews and stages of litigation already, in our system of procedure. Nothing encourages litigiosity so much, or makes the loser so dissatisfied with the ultimate decision. But if this chamber is to be constituted as common fame has reported, it appears to us that it will soon put an entire stop to every part of the new system. It is to be formed, we have been told, (and the words of the resolutions certainly countenance the assertion), by the reunion of the two chambers which were not concerned in the decision appealed from, and is to decide, as in the House of Lords, upon printed cases and solemn pleading. It is perfectly manifest to us, however, that every cause which now goes into the Inner-House will be carried to this chamber of review, of which the entrance will be easier, and from which the exit will be more expeditious. Now, the Inner-House finally determines about twelve or fifteen causes in the week, by deliberating upon papers which the Judges have studied at home; but if two or four counsel are to be heard upon every question, it is plain that the chamber of review will never be able to decide one half of that number; and if as many be brought before them, we shall thus have two of the chambers sitting constantly together, without being able to keep pace with the business. If they sit constantly together, however, they can never sit separately; and the whole scheme of the three chambers will be annihilated in the first session of the experiment.

This result appears to us to be so obvious and inevitable, that we can scarcely believe that such a scheme is in contemplation. We should have great objection, however, to *any* new chamber of review; at least to any such chamber formed of a large number of Judges, or of Judges who are also to sit in another capacity. A court of review, consisting of ten or twelve persons, and as easily accessible as the present Inner-House, would have almost all the disadvantages of the present Inner-House. In fact, it would be nothing but a new Inner-House, most preposterously superadded to a scheme, the chief merit of which consists in getting rid of that establishment. It is obvious, indeed, that any one court of review, to which the litigants could come from all the separate chambers at a small expense, would have the infal-

lible effect of virtually destroying the plurality and separate existence of these several chambers. *Every* cause would come there, as it now does to the Inner-House; and, in the end, we should have but *one court*, as at present, to struggle and be incumbered with all the civil causes of the country. The chambers, instead of being separate and independent courts, would just come in the place of the individual Judges who now sit in the Outer-House. There would then be two classes of preparatory Judges, indeed, one above the other, by which delay and expense would be multiplied; but there would be but one court; and that one court could never be made equal to the whole business of Scotland. We do not see how these objections are to be obviated, by providing, that causes shall be conducted in the chamber of review by printed cases and hearing of counsel. If this be the best mode of conducting causes, and we rather think it is, why should it be confined to the chamber of review? It ought evidently to be established in the Inner-House of each of the separate chambers. We should not object to the occasional reunion or consultation of the whole chambers, to consider extraordinary or very difficult cases; but to put it in the power of every litigant to call for such a reunion, and to make it easy for him to obtain their opinion, really appears to us to be defeating the very end of the whole projected reformation, and leading us, by a flattering circuit, into our old perplexities. The proposed regulations for discouraging litigious appeals to the House of Lords, seem highly judicious and expedient.

By far the most important feature of the plan, however, is the proposed introduction of jury trials in civil causes. And here, we are well aware, that we shall excite the wonder and contempt of most of our English readers, by professing, that we have some doubts as to the expediency of such a measure. Upon the whole, however, we are certainly for trying the experiment; but our expectations are less sanguine as to the result, than those of the persons by whom it has been projected.

Jury trial is one of the objects of English idolatry; and we are not partial to idols. There is a kind of established cant upon the subject, which we suppose must always be used to the vulgar, like the slang about roast beef and liberty: but it does not seem necessary to speak this language to the judicious; nor will passion and eloquence help us much in the determination of a delicate problem in legislation. The truth is, that trial by jury has deserved and acquired all this popularity by its services in criminal cases, or cases where an individual is set to maintain a contest with the executive. Its excellence and utility, there, cannot be too much commended; but that topic is entirely ex-

cluded from the present discussion. We have jury-trial in Scotland already, in all criminal and in all revenue questions; and all that remains to be considered is, whether it would be expedient to introduce it in common civil actions. In cases which are truly of a criminal nature, though tried in civil courts, such as cases of libel, seduction, and others in which damages are claimed for injury, it seems impossible to deny that juries should be employed, for the same reasons that have established their utility in cases of crimes. But, in questions of pure patrimonial interest, or legal obligation, where the moral qualities of the parties are necessarily laid out of view; where there is, or should be, no sympathy with suffering, or indignation at injustice, it is obvious that the greater part of these reasons cease to apply; and that, if juries are to be employed at all, they are to be employed on very different principles, and for very different purposes. It is very possible that a jury may be a convenient instrument for ascertaining facts, or terminating disputes; but it is not by this kind of operation that it is to secure the liberties of the subject, and to make our constitution immortal. There is no occasion for the sentimental eloquence of a German novel, in inquiring into matters of this sort; nor does it seem to us, that the glorious privileges of Britons would be materially endangered, although the courts of law were to determine, without the assistance of twelve tradesmen, whether a red cow should belong to Dick or to Philip, or an old wall be repaired by John or by James.

Certainly, at first sight, it does not appear very obvious, that twelve men, unaccustomed to weigh evidence, or to balance contradictions, should be better able to form a just estimate of a complicated proof, than two or three who have passed their lives in the study of such cases, and have been promoted to eminent stations for their proficiency in that study. Neither is it self-evident to our apprehension, that twelve men, of ordinary rank, from the vicinage of two contending parties, are more likely to be free from partiality or corruption, than one or two of elevated station, totally unacquainted and unconnected with the parties or their cause of quarrel. If a man has incurred popular odium by his vices or his virtues, it is well known how difficult it is for him to get common justice from a jury, in any question whatever. When the odium is political, indeed, there may be danger of partiality in a judge as well as in a jury; but, we sincerely think, rather less in the former case than in the latter. Wilkes had no difficulty in obtaining, from Lord Chief-Justice Pratt, a sentence against the warrants of the Secretaries of State.

The fact is, as we have already hinted, that we are misled into an admiration of Juries, from what we see of them in criminal

cases. There, their task is always easy, and their errors, for the most part, virtuous. If there be the slightest doubt in the case, the resource is acquittal. They can never be put upon a nice adjustment of evidence. If the scale of the prisoner do not kick the beam, he is delivered; a large make-weight of mercy is thrown in, and turns it the other way. The prosecutor must make out a case that leaves no room for scruples or hesitation; and no injustice is held to be done, though a few guilty persons should escape. In civil actions, there is no such comfortable solution:—the defendant is no more entitled to favour than the plaintiff; and the jury cannot escape from a case of difficulty by a humane presumption of innocence, or an amiable aversion to bloodshed.—They must weigh the evidence with an even and equal hand, grain against grain, and scruple against scruple; and the purpose of their nomination is defeated, if they make the slightest mistake in the calculation. Are twelve ordinary men, taken by rotation, the safest persons in the world to trust with so ticklish an operation?

The common answer to all this is, that it is idle to perplex ourselves with arguments, when we may lift up our eyes and see the question determined by experiment. The English have juries in civil cases—they think them the best part of their system—and their system is admitted to be far better than ours.

We must begin with the end of this enthymem. That the English think their own system very near perfection, may be inferred, indeed, from the eulogies which all their lawyers are in the practice of bestowing upon it. The English, however, have a foolish trick of praising every thing that is peculiarly their own. Among authors, it is a secret for popularity; among lawyers, it may be a recipe, perhaps, for something still more substantial. That there are faults, and very gross faults too, in the English scheme of administering justice, is obvious to every one who reads the very books in which its praises are recorded. But there have been English lawyers who have confessed this, and lawyers of no mean name. It has been more common, indeed, to emulate the treatise *De Laudibus;* but Lord Hale, and Sir W. Blackstone, have both pointed out some stupendous absurdities; and the former, in his treatise on the amendment of the law, has enumerated a multitude of fundamental defects, that are to this hour without remedy. The most intrepid and formidable attack, however, has been made by a living author, Jeremy Bentham; by far the most profound and original thinker who has yet been formed in that school of jurisprudence. In speaking of the ordinary detail of practice, this learned author observes,

'The practice, as to the main part of it, has been settled, some-

how or other, between the subordinate officers and the attornies; nobody knows when, nor by whom, nor how, nor for what reason. It is accordingly, in the language of lawyers, like every thing else that has been done by lawyers, 'the perfection of reason;' that is, different in all the different courts, repugnant in every one of them to the ends of justice, but extremely convenient, and not a little beneficial, to all parties concerned, except the suitors.'

As to the boasted despatch of this system, he observes,

'Delay is fixed inexorably for all causes, because it is possible that it may be necessary in some. A certain measure of delay, every defendant is entitled to, whether he needs it or no, and without telling any lies to get it. Another measure, upon telling certain lies, which not being rendered punishable, are told without reserve or mystery. Another measure, again, upon giving such reasons as, true or false, shall have been fortunate enough to have passed the test of examination. So long as you make a point of keeping suitors at a distance from each other, and from the judge, this profusion of delay is unavoidable. When you cannot tell how much time a man may honestly have occasion for, you must make sure of giving him enough. As you will not ask any body that can tell you, it is impossible you should know how much he has occasion for. You must therefore give him what, in ninety-nine instances out of a hundred, will be too much. Such is the consequence of unbending rules in a system of procedure.'

In answer to the common vaunt, that twelve Judges are able to decide properly all the causes which are brought for trial in England, he observes, that this arises, in fact, from the enormous expense and delay of litigation, which prevents most persons from seeking redress in that manner. Twelve Judges, he says, might be made to go as far in any other country, if they would only

—'enact a law, that no man shall sue another for a shilling, without spending 30*l.* before he knows whether he shall get it or no; and as much more, up to 300*l.* or 400*l.*, as the circumstances may require.'—'In fact,' he proceeds, 'the expense of judicial proceedings naturally tends to produce oppression; if one man, by spending from a hundredth to a hundred thousandth part of his own fortune, can be the destruction of another's, malice, or the lust of dominion, may purchase gratification at a cheap rate. The English law, by the matchless enormity of the artificial burthens it has thrown upon justice, and the ingenuity it has shown in their distribution, has insured this gratification to every man who can afford to give a handsome price for it. In doing so, it has conferred on every man an arbitrary power over every other man less favoured by fortune; a tyranny which nothing has prevented from being intolerable, but the influence of public opinion.'

Upon the whole subject he concludes,

'There is no nation hitherto whose laws have such large features of excellence in them, as those of England; yet none perhaps whose laws

are more abundant in particular and very gross defects. No Judge can well sit on the Bench for a day together, without being witness to numerous exemplifications of them. In one of the houses of Legislature, all the Judges have always had seats, and at all times some of them have had votes; yet who ever heard of a representation of this sort spontaneously given by a Judge to the Legislature? And how many instances do the annals of Parliament afford, of bills brought in by law Lords for the amendment of the law? Is a bill of this sort attempted to be stole in by an unlearned hand? Learned eyes are not wanting for spying out the defects, not of the law, but of the bill which seeks to remedy it; and scorn is the reward which public spirit gets for its temerity.' *

We do not take all that Mr Bentham says here for the naked and simple truth; but we believe there is much truth in his statements; and that when the spirit of reformation has gained more strength and purity, it will alter many parts of that English system which is now held out as a model, according to which every thing else should be altered.

But admitting that the English system is excellent, we may next be permitted to inquire, whether it be excellent by means of jury-trial in civil cases, or in spite of such jury-trial. This system is a vast and complicated whole, in which many functions are performed by many parts; and after it has been long in action, it is nearly impossible to say what parts have promoted, and what have obstructed, its salutary movements. It is a great living body, in which it is vain to look for the immediate seat of vitality. That this vivifying principle resides in jury-trial, has indeed been an opinion among lawyers; as it has been an opinion among anatomists that the soul resided in the pineal gland; but the pineal gland, when detached from the rest of the system, is merely a piece of pulp, about the size of a pea; and jury-trial, taken by itself, may perhaps be something of the same value.

The strict forms of pleading which have been long established in the courts of England; the limitation of the power of review from judgments upon evidence—and, above all, the examination of witnesses in presence of the judge,—will certainly go far to explain the admitted excellences of this part of their system of pro.

* Those extracts are made from a work of Mr Bentham's, entitled, 'Draught of a new Plan for the Organization of Judicial Establishments,' which was printed in 1790, and was meant to be presented to the National Assembly of France. It was never regularly published; and we owe some apology, perhaps, to the author for having printed these citations. It contains, like all his other productions, many profound reflexions and acute remarks, with a variety of dogmatical sarcasms and paradoxes; to all of which we are persuaded he would not adhere at present. We wish he could be prevailed on to write on our present subject.

cedure, without leaving much to be set to the credit of the twelve slow men who are interposed between the witnesses and the court. That they have sometimes been felt as an incumbrance, appears evident from the multiplied provisions that have been found necessary to get the better of their errors. The writ of attaint, the motion for new trial, the bill of exceptions, and the pleas in arrest of judgment, are all proofs of this. Is it not true, besides, that many cases are referred to arbiters, after issue joined, purely from the impossibility of having them well tried by a jury? that Judge Blackstone has said of the Court of Chancery, in which there are no juries, that it is 'by much the most important of any of the King's superior and original courts of justice;' and that Mr Bentham has said expressly of the trial by jury, that 'it is an institution admirable in barbarous times, not fit for enlightened times,' though it may be 'necessary as matters stand in England?'

That this contrivance of a jury accomplishes that separation of the fact from the law, without which the latter can never attain to maturity, is a proposition at which it is impossible not to hesitate, when we find that, in a great majority of cases, the fact and the law together are sent as inseparable to the jury on the general issue. In such cases, how is the law separated, but by the direction of the Judge? And would not his decision separate it as well directly, as by the intervention of a jury, whose mistake may make a new trial, or a plea in arrest of judgment, indispensable? In all cases, where it is possible to separate the fact in a verdict, it would be easy to provide that the court should also separate it in their judgment; and that this judgment, upon evidence, should only be liable to review, under the same conditions as are now required for reviewing the verdict of a jury.

But, conceding this point like the last, and admitting that jury-trial is an excellent thing in the excellent English system of procedure, we should beg leave to ask, whether it follows as a necessary consequence, that it would prove an excellent thing in ours? It is connected in that country with an immense multitude of institutions, which it has not yet been proposed to us to adopt;—with their whole system of pleading—courts of equity distinct from courts of law—bills of exception—special verdicts—attaints—challenges—new trials—demurrers—arrests of judgment—and writs of error. With the help of all these to control, correct, and assist it, jury-trial may be allowed to have been found serviceable in England. Without these it may be fairly presumed, it would be found pernicious and inconvenient. Are we to borrow all this complicated and cumbrous part of the English law? We have never understood that this was intended. Are we then to take trial by jury, without what are there con-

sidered as its necessary correctives and accompaniments? Is not this a hazard somewhat too great for the advantage that it promises? Or, are we to devise a new sort of correctives and regulations, better accommodated to our own usages, and amalgamating more kindly with our own forms? We doubt much if all the lawyers of both countries, assembled in one vast consultation, could digest such a system, or save the country from much inconvenience and discontent in the course of the experiment.

The judicial institutions of a nation are parts of its living body. They have been developed together from one radical germ: and have modified each other in the course of their expansion. The same blood circulates through them all; and they support and are supported along the whole chain of their dependence. Another nation may admire them, and may adopt the habits by which they were gradually produced; but it cannot borrow them, and ingraft them at once on itself, any more than a man can borrow the legs or arms of his more beautiful neighbour. The noses of Turks are handsomer than those of negroes; but if a beau of Caffraria should become ambitious of such an ornament, and should send to Constantinople to obtain one, he would find, in the first place, that it would not suit his complexion, nor harmonize with the rest of his features; and, in the second place, that it would not grow on his face; and that he had mangled his natural countenance, in a vain attempt to personate a different species.

It cannot appear a very chimerical apprehension, that we should be embarrassed with the new powers and rights of Juries, when it appears that our neighbours, who have been praising them from time immemorial, have not yet agreed about the most elementary principles. The old maxim was, that the Jury should try fact, and the court decide upon law. But the impossibility of separating these two before trial, soon gave rise to general issues, upon which the Jury had unquestionably a power to determine on both together. The Judges however contended, that they were *bound* to follow their direction as to the law; and that, though they had the power to disregard it, it was a power to do an illegal act, as much as the power which a murderer has to cut the throat of a sleeping man. They have been wrangling upon this fundamental point in the institution for these last fifty years; and it is settled, we believe, nearly in this satisfactory way,—all Judges maintain they have the right to dictate the law, and all Juries maintain they are bound to take no more of their doctrine than they approve of.

So lately as the year 1792, the twelve Judges gave a solemn and unanimous opinion, on a reference in the House of Lords,

that all Juries were bound 'to compound their verdict, of the fact, as it appears in evidence; and of the law, as it is declared to them by the Judge.' And the Legislature immediately proceeded to pass a statute, in the very face of this opinion, declaring, that in cases of libel, the Jury should try the guilt of the writing, as well as the mere fact of publication. The Legislature, we think, was quite right, upon constitutional and equitable grounds; but it would be bold to say that the twelve Judges were all ignorant of the law; and if the law stands as they then declared it, is it possible to conceive any thing more absurd than the eulogies which all parties have pronounced upon this institution of Juries? A nation, as the very perfection of wisdom, gives to twelve men the power of doing what they have by law no right to do, and exposes them to great temptation to exercise this power. When they do exercise it, a great wrong is confessedly committed; and yet no remedy is provided for this wrong in many cases, and no effectual remedy in any case. In all criminal trials, the verdict is final; and in civil cases, the only means of redress is by a new trial, in which, if the Jury choose to rebel a second time, the law must submit to violation. This appears to us to be miserable. If it be wise to intrust the law in these cases to Juries, it should be fairly admitted that they have the right to decide upon it according to their consciences. If it be really meant to deny them this right, the power should be taken from them, and arrest of judgment awarded on account of error in law, whether it appear on the record or not. If we are to have jury-trial in Scotland, is this point to be settled for us by statute? or are we to succeed to the hereditary feud of English Judges and Juries?

It is not allowable, perhaps, to speak of the awkwardness with which we shall handle this new tool for a while, nor of the mischief we may do in our awkwardness. That is the necessary price of all alteration; and if it be clearly for the better, it should be paid cheerfully: but it is of more consequence to observe, that there are some things in the habits and character of the Scotish nation that threaten to agree very ill with the institution of Juries in civil cases, and to make it prolific of much inconvenience. The chief use of Juries is, to cut short litigation upon fact, and to separate the law from it in pleadings and decisions; but in order to prevent this limitation from becoming oppressive, it has become lawful to send general issues to trial; and it is declared competent, in the resolutions, 'to complain of verdicts of Juries as being given contrary to evidence, or by misdirection in law.' Now, we in this country have been so long indulged in a tenacious adherence to all our pleas, and in such unlimited powers

of appeal, that we apprehend it to be quite certain, that as many verdicts will be complained of, after Juries are established, as there are judgments complained of now that there are none; and that, in all these cases, the complaint will be laid *both* on the misconstruction of evidence and misapprehension of the law. We shall therefore have a mixed pleading against every verdict, just as long and as irregular as we now have against every judgement; and if these are to be in writing, they will not differ in any thing from our present breed of petitions;—except only, that as there will be no evidence on record, the parties will contradict each other more furiously as to the purport of what was delivered, and construe the notes of the Judge into a thousand opposite meanings. We have in vain endeavoured to get some light as to the practical rules by which the English courts proceed in rejecting or admitting motions for new trials; but from the habits and dispositions of this people, we venture to predict, that unless some vigorous system of rejection be adopted, no one litigant will stop at the first verdict, if bold allegations and relentless importunity can help him to a second.

It may be proper to consider also, that the middling ranks of the Scotch are conceited, irritable, self-willed and sagacious, far beyond the average of English jurymen; and that the Judges, from their great number, have not hitherto sat so high above them as in the sister kingdom. It is probable, therefore, that they will be considerably more intractable and absurd than English Juries usually are.

It may next be observed, that in many parts of the country the old clannish spirit is still too strong to admit safely of this appeal to the vicinage. We believe the Campbells, and Gordons, and Sutherlands, to be a very honourable and valiant race; but we should be afraid that it would be no easy matter to get a verdict against the Duke of Argyle, or Gordon, or the Countess of Sutherland, within the sphere of the family influence.

Finally, it should be considered that we are a much more litigious people than the English, and that the duty of acting as Jurymen would consequently be much more oppressive. In Edinburgh, it is probable, we should need as many Juries as are now assembled in Westminster; and this, considering the relative population, would be a burden altogether intolerable. If our Juries should consist of fifteen, as they do in criminal cases, the disproportion would be still greater.

We have thrown out these free and hasty considerations on the nature of Juries in civil cases, with a view to lead men to a sober and dispassionate consideration of this great measure; and we have enlarged the more upon the apparent hazards and disad-

vantages of the institution, because the tide of public opinion, as well as the inclinations of those in office, appear to us to run too strongly in an opposite direction. In such a situation, it seems unnecessary to state, at any length, the arguments which may be employed in favour of this experiment; but as we have declared, in the outset, that we are inclined to have it put upon its trial, we shall run over, in a very few words, the reasons that reconcile us to this opinion, in spite of the doubts and difficulties that are suggested by the preceding considerations.

In the first place, there is a considerable class of cases, in which, from their affinity to criminal actions, it seems manifest that Juries should be admitted; and we think it probable, that it will be chiefly in this department that they will be first employed. Whenever the question turns upon the demerit of one individual, and the suffering of another, we think a jury of persons of the same rank is by far the most equitable tribunal.

In the next place, we think that very considerable advantage may be derived from putting the Judge to the necessity of making the law, and the reason of the law, intelligible to an ordinary jury. This increases the authority and knowledge of the law, throughout the country; and will lead the Judge himself to perceive the fantastical or unreasonable parts of it more readily, than any form of intercourse with those who have studied it as a science. Its equity and reasonableness is thus repeatedly tried upon the minds of the middling and most important classes; and what is absurd, or no longer applicable, is more speedily discarded, than by the slower conviction of those who have been educated in a reverence for the whole system. In this point of view, even the rebellion of the Jury against the direction of the Judge, if it be not done in pet or caprice, may be of use in accelerating the abolition of oppressive maxims. The rigour of the letter may receive a temperament from the mediation of this more sympathizing body; and the rust be rubbed off the engine, without impairing its powers.

In the third place, we suspect that a formal institution of this kind may be necessary, in order to insure that separation of the fact from the law, without which the latter can never become systematical; and though we are sensible that it performs this function in an imperfect manner, we are not aware that there is any other on which we could depend upon its being performed so well. To give it full effect, we should be very slow in granting new trials on pretence of misconstruction of evidence; and should either grant them very freely on proof of error in law, or allow judgement to be stayed in all cases, upon this ground alone; and that whether the error appeared on the record or not, if it was sufficiently certain, by the Judge's report or otherwise, that the ver-

dict had proceeded on such erroneous or questionable law. This would plainly be a much more effectual method of getting the better of such erroneous verdicts than new trial, and would answer the great end of separating the law from the fact infinitely better.

In the last place, the use of jury trial would probably insure a greater despatch than could be commanded in any other way, without great harshness; and would, at the same time, have a tendency to raise the consideration and characters of that great middling population, on whose intelligence and self-esteem the welfare and strength of a nation depends so immediately.

For these reasons, we repeat, that we are very much disposed to encourage the experiment of introducing Juries, though our expectations from the effect are not altogether so exalted as those of many people seem to be. It is partly on account of this diffidence of the issue, and partly from a sincere anxiety that the experiment should not be defeated by the rash repentance and unreasonable alarm of those who are now most rash in their hopes, and most unreasonable in their confidence, that we are, above all things, solicitous that it should be gone about in a temperate, circumspect, and gradual manner; and that we should not be hurried at once into a state of things, from which we could not escape but by a disgraceful or ridiculous retreat. It is but reasonable to expect that some embarrassment and perplexity will be encountered in the first stages of the experiment; and that advantage will be taken of this, by all who disapprove of the system, to excite a general clamour and show of discontent throughout the country. This revulsion of public opinion is most to be apprehended in those light and empty bustlers, who are now loudest in their cry for reformation; and, in order to guard against the effect of the panic they may inspire, we should think it advisable not to advance so far as to give any reasonable cause of alarm. The experiment should be tried avowedly as an experiment; and the effect of a reformation in the *other* parts of our present system, should be tried separately at the same time.

If the obvious reforms which have been suggested in our present system be sufficient to remove most of its evils, the necessity of hazarding so great an innovation as jury trial, may not be so apparent. It is expedient, we think, to try what can be made of our old law before we perplex ourselves with a new one; or, if the prospect of still further improvement should induce us to make the experiment, we should try it at least on a separate subject, and have something more solid than theory and conjecture to go upon, before we absolutely abolish the only forms with which the country is acquainted.

In illustration of this view, we should humbly suggest, therefore, that, instead of the plan indicated in the Resolutions, something to the following purport should be adopted:—The court of Session to be divided into *two* chambers, each consisting of six Judges,—four to sit together as an Inner-House in each chamber, and two to be constantly in the Outer-House, hearing and trying causes individually. *One* only of these chambers to have power, at their discretion, to try cases by a Jury. The other to have it in their power to send special issues to them to try in that manner; and in all cases where they do not exercise this power, to be bound to examine witnesses in their own presence, or that of their Outer-House Judges; except where proof is to be taken abroad, or in other extraordinary circumstances. All pleadings in the Outer-House to be *viva voce* only; in the Inner-House upon short printed cases. All pleas, in fact or in law, to be entered on the record, with the deliverances of the Judges; but no argument in detail. Judgments upon evidence to be liable to review, only on the same terms as verdicts of Juries; and judgments of the Inner-House on law, only to be opened up by an order of the Court granted upon cause shown on a motion for a new hearing. Occasional consultations of the two chambers; but no intermediate court of appeal.

We throw out these hints hastily, and with more inward humility than will be guessed at, we fear, from the expression. Our object is to excite some attention to a subject of no vulgar importance—to suggest reflections—and to abate prepossessions on both sides of the question. Our purpose will be answered, if any body is roused to confute every thing we have advanced. We have no bigotted attachment to any of the doctrines we have delivered; and are only anxious that their real tendency should be discovered by more competent judges, before any thing is done upon them, that cannot be well persisted in, or handsomely recalled. The country, we think, is greatly indebted to the disinterested zeal and activity of those by whom this necessary reformation has been undertaken; and the steps they have already taken, give us the firmest assurance that they will not cancel the obligation, by carrying it through in an imperious, precipitate, or improvident manner.

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